

HB 976, HB 999, HB 1003, HB 1086, HB 1108, HB 1140, HB 1190, HB 1198, HB 1201, HB 1205, HB 1286, HB 1297, HB 1379, HB 1380, HB 1418, HB 1436, HB 1628, HB 1641, HB 1658, HB 1704, HB 1705.

Public Health: HB 1002.

Livestock: SB 249, SB 398.

Motor Transportation: HCR 126.

SIXTY-SIXTH DAY—MONDAY, MAY 3, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Davis, H.	Ingram	Salem
Adams	Denton	Jones, D.	Salter
Agnich	Doran	Jones, G.	Schulle
Allen, Joe	Dramberger	Jungmichel	Shannon
Allen, John	Farenthold	Kaster	Short
Allred	Finck	Kilpatrick	Simmons
Angly	Finnell	Kubiak	Slider
Atwell	Finney	Lewis	Solomon
Baker	Foreman	Lombardino	Spurlock
Bass, T.	Garcia	Longoria	Stewart
Beckham	Golman	Lovell	Stroud
Bigham	Grant	McAlister	Swanson
Blanton	Graves	McKissack	Tarbox
Blythe	Hanna, Joe	Mengden	Traeger
Braecklein	Hannah, John	Moncrief	Truan
Braun	Harding	Moore, A.	Tupper
Burgess	Harris	Moore, T.	Uher
Bynum	Hawkins	Murray	Von Dohlen
Calhoun	Hawn	Nabers	Ward
Carrillo	Haynes	Nichols	Wayne
Cates	Head	Niland	Wieting
Cavness	Heatly	Parker, W.	Williams
Christian	Hendricks	Pickens	Williamson
Cobb	Hilliard	Poerner	Wolff
Cole	Howard	Poff	Wyatt
Craddick	Hubenak	Presnal	
Daniel	Hull	Price	
Absent			
Atwood	Earthman	Ligarde	Rosson
Bass, B.	Floyd	Moore, G.	Sanchez
Bowers	Gammage	Nelms	Santiesteban
Boyle	Hale	Neugent, D.	Sherman
Caldwell	Holmes, T.	Newton	Silber
Clark	Holmes, Z.	Nugent, J.	Slack
Clayton	Johnson	Ogg	Smith
Coats	Jones, E.	Orr	Vale
Cruz	Kost	Patterson	
Doyle	Lee	Reed	
Absent-Excused			
Davis, D.	Moreno	Rodriguez	Semos
Lemmon	Parker, C.		

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Lemmon, temporarily for today, on motion of Mr. Joe Allen.

Mr. Rodriguez on motion of Mr. Harris.

The following Members were granted leaves of absence for today on account of illness:

Mr. Dee Jon Davis on motion of Mr. Bynum.

Mr. Semos on motion of Mr. Braecklein.

Mr. Carl Parker on motion of Mr. Harris.

Representatives Coats, Silber, Salem, Boyle, Jim Nugent, Orr, Doyle, Lee, Smith, and Patterson entered the House and were announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

SCR 90, Commending Mayor Tom Vandergriff of Arlington, Texas.

HSR 420, by Cates: Congratulating members of the Pampa High School Choir.

On motion of Mr. Bynum, the names of all the Members of the House were added to HSR 420 as signers thereof.

Representative Reed entered the House and was announced present.

CONGRATULATORY RESOLUTION ADOPTED

HSR 421, by Harold Davis: Honoring visit of Pflugerville High School seniors.

On motion of Mr. Wieting, the names of all the Members of the House were added to HSR 421 as signers thereof.

Representative Clayton entered the House and was announced present.

HSR 411--ADOPTED

(Expressing appreciation to Miss Gussie Evans)

Mr. Hale offered the following resolution:

HSR 411

Whereas, It has always been the custom to acclaim high public officials and heroes, but too seldom are those individuals who carry the day-to-day load of responsible service singled out for recognition of a job well-done; and

Whereas, Gussie Evans, long-time Journal Clerk, and one of the most capable and respected officers ever to serve in the House of Representatives, retired on January 1, 1971, after years of faithful service; and

Whereas, "Miss Gussie", as she is affectionately called, was a young teacher in the public schools of East Texas when she was persuaded to come to these Halls as assistant to her uncle Jim Robinson, who served as House Journal Clerk for many years. She succeeded her uncle to this important post by a unanimous vote of the House of Representatives of the 44th Legislature; she served with distinction in that capacity until her recent retirement; and

Whereas, During her tenure in state government she has been beloved and respected by all who knew her. In all of her dealings with the Members and the many others with whom she came in contact, she was ever gracious, accommodating, and every inch a lady; her integrity is such an essential part of her character that it has never been questioned; and

Whereas, "Miss Gussie" not only produced a splendid House Journal of consistent accuracy, but she was the knowledgeable official on whom Speakers have relied to keep them straight on procedure; and

Whereas, This eminently qualified lady who served so faithfully and efficiently is greatly missed by the Members and the staff of the House of Representatives with whom she was associated, and who wish her health, wealth and happiness always; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas, 62nd Legislature, by this Resolution, express deep appreciation to Gussie Evans for her ability as Journal Clerk, for her loyalty and friendship, and for the deep concern she demonstrated for the Members of the House and those who joined her in providing service in the legislative process; and, be it further

Resolved, That an official copy of this Resolution be prepared for our "Miss Gussie" as a small token of the great esteem in which she is held by this Texas House of Representatives of the 62nd Legislature.

Signed: Hale, Murray, Smith, Slack, Stewart, and Atwell.

The resolution was unanimously adopted.

On motion of Mr. Wieting, the names of all the Members of the House were added to the resolution as signers thereof.

ESCORT COMMITTEE APPOINTED

The Speaker announced the appointment of the following escort committee for the Right Honorable Harold Wilson:

Representatives W. S. Heatly, Raul Longoria, Charles Jungmichel, Bill Hilliard, Tom Niland, Bill Swanson, Joe Golman, Gayle Ingram, Bill Clayton, and John Traeger.

Representatives Mengden, Gammage, and Edmund Jones entered the House and were announced present.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Cobb, Mr. Moreno was granted leave of absence for the remainder of today on account of important business.

INTRODUCTION OF HB 1789

Mr. Grant Jones asked unanimous consent to introduce and have placed on first reading HB 1789.

There was no objection offered.

HB 468 WITH SENATE AMENDMENTS

Mr. Cavness called up with Senate Amendments for consideration at this time,

HB 468, Relating to the commissioning and classification of peace officers.

Representatives Newton and Santiesteban entered the House and were announced present.

HB 468—(Consideration continued)

On motion of Mr. Cavness, the House concurred in the Senate Amendments to HB 468 by the following vote:

Yeas—127

Adams
Allen, John
Allred

Angly
Atwell
Baker

Bass, B.
Bass, T.
Beckham

Bigham
Blanton
Blythe

Boyle	Foreman	Lee	Santiesteban
Braecklein	Gammage	Lewis	Schulle
Braun	Garcia	Lombardino	Shannon
Burgess	Golman	Longoria	Sherman
Bynum	Grant	Lovell	Short
Calhoun	Graves	McAlister	Silber
Carrillo	Hanna, Joe	McKissack	Simmons
Cates	Hannah, John	Mengden	Slack
Cavness	Harding	Moncrief	Slider
Christian	Harris	Moore, A.	Smith
Clark	Hawkins	Murray	Solomon
Clayton	Hawn	Nabers	Spurlock
Coats	Haynes	Neugent, D.	Stewart
Cobb	Head	Nichols	Stroud
Cole	Heatly	Niland	Swanson
Craddick	Hendricks	Nugent, J.	Tarbox
Cruz	Hilliard	Orr	Traeger
Daniel	Howard	Parker, W.	Truan
Davis, H.	Hubenak	Patterson	Tupper
Denton	Hull	Pickens	Uher
Doran	Johnson	Poerner	Vale
Doyle	Jones, D.	Poff	Von Dohlen
Dramberger	Jones, E.	Presnal	Ward
Earthman	Jones, G.	Price	Wayne
Farenthold	Jungmichel	Reed	Wieting
Finck	Kaster	Rosson	Williamson
Finnell	Kilpatrick	Salem	Wolff
Finney	Kost	Salter	Wyatt
Floyd	Kubiak	Sanchez	

Absent

Agnich	Caldwell	Ingram	Nelms
Allen, Joe	Hale	Ligarde	Newton
Atwood	Holmes, T.	Moore, G.	Ogg
Bowers	Holmes, Z.	Moore, T.	Williams

Absent-Excused

Davis, D.	Moreno	Rodriguez	Semos
Lemmon	Parker, C.		

Mr. Cavness moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 468 and to table the motion to reconsider.

The motion to table prevailed.

HB 468—TEXT OF SENATE AMENDMENTS

Amend HB 468 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, is hereby amended by the addition of a new Section to be known as Section 1.5 to read as follows:

'Definition of state institutions of higher education

'Sec. 1.5 As used in this Act the term "state institutions of higher education" shall mean and include any public junior college, public senior college or university, medical or dental unit or other agency of higher education as defined in the Higher Education Coordinating Act of 1965, as now, or hereafter amended, and the Texas State Technical Institute.'

"Sec. 2. Section 3, Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, is hereby amended to read as follows:

'Campus security personnel; powers, privileges and immunities; oath and bond

'Sec. 3. The governing boards of the state institutions of higher education of this state are hereby authorized to employ campus security personnel for the purpose of carrying out the provisions of this Act and may commission any or all such security personnel as peace officers if such persons to be so commissioned have been certified as qualified to be peace officers by the Commission of Law Enforcement Officers Standards and Education. Any officer commissioned hereunder is hereby vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the respective state institutions of higher education of this state or otherwise in the performance of their duties. It is further provided that any officers assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000 payable to the Governor of this state and his successors in office with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all of the duties as may be required of him by law. Such bond may be sued upon from time to time in the name of any person injured until the whole amount thereof is recovered.'

"Sec. 3. Amend Article 2.12, Code of Criminal Procedure, 1965, as amended by Section 5, Chapter 659, Acts of the 60th Legislature, Regular Session, 1967, to read as follows:

'Article 2.12. Who Are Peace Officers

The following are peace officers:

- '(1) sheriffs and their deputies;
- '(2) constables and deputy constables;
- '(3) marshals or police officers of an incorporated city, town, or village;
- '(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- '(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- '(6) law enforcement agents of the Alcoholic Beverage Commission;
- '(7) each member of an arson investigating unit of a city, county or the state;
- '(8) any private person specially appointed to execute criminal process;

'(9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;

'(10) officers commissioned by the Board of Control; and

'(11) game management officers commissioned by the Parks and Wildlife Commission.'

"Sec. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 5. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

"Sec. 6. The importance of the matter creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted."

Amend HB 468 by striking all above the enacting clause and substituting in lieu thereof the following:

"A bill to be entitled An Act relating to the commissioning and classification of peace officers, amending Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, and Article 2.12, Code of Criminal Procedure, 1965, as amended by Section 5 of Chapter 659, Acts of the 60th Legislature, Regular Session, 1967; providing for severability; repealing conflicting laws; and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Slack:

HB 1770, A bill to be entitled An Act to amend Chapter 655, Acts of the 59th Legislature, Regular Session, 1965, by adding a new section to validate contracts executed for the disposal of salt water and to provide that bonds issued by such water power control districts shall be legal and authorized investments in certain instances, and that such bonds shall be eligible and lawful securities for certain deposits; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Ingram:

HB 1771, A bill to be entitled An Act relating to the salaries of county officers and employees in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Ingram:

HB 1772, A bill to be entitled An Act relating to the jurisdiction of the County Court of Camp County and the 76th District Court in Camp County over certain matters of eminent domain; and declaring an emergency.

Referred to Committee on Judiciary.

By Daniel:

HB 1773, A bill to be entitled An Act relating to the compensation of the District Attorney of the 75th Judicial District; amending Section 1, Chapter 754, Acts of the 61st Legislature, Regular Session, 1969 (Article 326k-56a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Ogg:

HB 1774, A bill to be entitled An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Windfern Forest Utility District of Harris County, Texas; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that no confirmation election shall be required; providing for its governing body; authorizing the levy and assessment of taxes and adopting the ad valorem basis of taxation; authorizing the issuance and refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing the procedure for annexing land; providing that no exclusion hearing shall be required except under certain circumstances; requiring supervision by the Texas Water Rights Commission; requiring the district to establish an office; providing for the selection of a depository; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that except for its creation the district shall be subject to the provisions of Article 970a and subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; providing that the district shall bear the sole expense of the relocation of certain facilities; containing other provisions relating to the subject; providing that the district's properties shall not be subject to taxation; providing a severability clause; finding of notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Pickens, J. Nugent, John Allen, Adams, Nabers, and Christian:

HB 1775, A bill to be entitled An Act relating to legal jeopardy; to provide that no person shall be placed in legal jeopardy for acts of self defense or in aid of another in certain cases; to provide for indemnification or reimbursement; and to declare an emergency.

Referred to Committee on Criminal Jurisprudence.

By Atwood, Sanchez, and Longoria:

HB 1776, A bill to be entitled An Act validating certain actions of the Railroad Commission relating to the transportation of agricultural products in their natural state; and declaring an emergency.

Referred to Committee on State Affairs.

(Mr. Jim Nugent in the Chair)

By C. Parker:

HB 1777, A bill to be entitled An Act authorizing notaries public who are stockholders of corporations owning less than 1/10 of one percent of the stock of a corporation of which there are more than 1,000 shareholders, or employees of such a corporation, to take acknowledgments of instruments in which such corporation is interested; and declaring an emergency.

Referred to Committee on Judiciary.

By Poff, Bynum, and Cobb:

HB 1778, A bill to be entitled An Act amending Section 1, Chapter 1, Acts of the 46th Legislature, Regular Session, 1939, to provide that certain bonds or obligations, when the United States Government or any agency thereof guarantees payment, are authorized security for all public deposits and lawful investments for certain entities; and declaring an emergency.

Referred to Committee on State Affairs.

By Lombardino, Simmons, Kost, Silber, Johnson, Wolff, Finck, and Dramberger:

HB 1779, A bill to be entitled An Act relating to the management, control, and disposition of community property and a sale without joinder of a community homestead when one spouse is a prisoner of war or missing in action; relating to a receivership for separate property of a prisoner of war or a person missing in action; amending Sections 5.25 and 5.85, Title 1 of the Family Code; and declaring an emergency.

Referred to Committee on Judiciary.

By Cates:

HB 1780, A bill to be entitled An Act permitting Hospital Districts organized pursuant to Section 9, of Article IX, of the Constitution of the State of Texas, to adopt their own tax rolls, and prescribing procedures therefor; and declaring an emergency.

Referred to Committee on Counties.

Representatives Hale, Kost, and Vale entered the House and were announced present.

HOUSE BILLS ON FIRST READING—(Continued)

By Allred, Denton, Head, Nichols, Agnich, Patterson, Harris, Braun, John Hannah, B. Bass, T. Moore, and Graves:

HB 1781, A bill to be entitled An Act providing for an additional allocation from the Omnibus Tax Clearance Fund to the Teachers Retirement Fund; and declaring an emergency.

Referred to Committee on Appropriations.

By Harding:

HB 1782, A bill to be entitled An Act authorizing the Board of Regents, State Senior Colleges, to sell certain state-owned land located in Tom Green County, Texas, by sealed bids, and to execute and deliver a proper deed of conveyance for the land so sold; providing for the disposition of the consideration received from such sale; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Higher Education.

By Lombardino and Simmons:

HB 1783, A bill to be entitled An Act amending Section 1, Chapter 165, Acts of the 58th Legislature, 1963, as amended (Article 6819a-19c, Vernon's Texas Civil Statutes), relating to supplemental salaries of certain district judges; and declaring an emergency.

Referred to Committee on Counties.

By Nabers:

HB 1784, A bill to be entitled An Act changing the name of the Texas Fine Arts Commission to the Texas Commission on the Arts and Humanities; modifying the powers and duties of the Commission in accordance with the change in name; amending Sections 1, 3, and 4, Chapter 323, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6144g, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Hull, Moncrief, Shannon, and Sherman:

HB 1785, A bill to be entitled An Act providing for the authorization and issuance by any city or town, which owns a sea life park and oceanarium, the same having been or being constructed, equipped and developed wholly or partly with the proceeds of duly voted general obligation

park bonds, of certificates of indebtedness for the purpose of operating, maintaining, supplying, repairing or further developing any such park improvements and certain other public facilities of the type authorized by Chapter 63, page 148, Acts of 1965, 59th Legislature, Regular Session, as amended by Chapter 563, page 1239, Acts of 1967, 60th Legislature, Regular Session (compiled as amended, as Article 1269j-4.1, Vernon's Annotated Civil Statutes) or under said Act and Chapter 400, page 1296, Acts of 1969, 61st Legislature, Regular Session (compiled as Article 1269j-4.2, Vernon's Annotated Civil Statutes); providing for the manner and terms of issuance of said obligations and the security therefor; providing for their incontestability; providing for the refunding thereof; declaring them authorized investments and security for public funds and related matters; providing authority to make contracts and to prescribe procedures therefor and terms thereof; providing for a severability clause and that this Act shall be cumulative; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By John Allen:

HB 1786, A bill to be entitled An Act relating to the effective date of Chapter 54 of the Water Code; amending Section 4, HB 1458, Acts of the 62nd Legislature, Regular Session, 1971; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By B. Bass:

HB 1787, A bill to be entitled An Act providing for the creation of the Henderson County Hospital District over all of Henderson County, Texas; providing that the district shall assume any outstanding debt of Henderson County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency.

Referred to Committee on Counties.

By Stewart:

HB 1788, A bill to be entitled An Act amending Section 1, Chapter 703, Acts of the 60th Legislature, Regular Session, 1967 (Article 969c-1, Vernon's Texas Civil Statutes), relating to cemeteries in certain municipalities; and declaring an emergency.

Referred to Committee on Urban Affairs.

SCR 43—REFERRED TO COMMITTEE

(Concerning recreational facilities)

The Chair laid before the House the following resolution:

SCR 48

Whereas, Texas has historically enjoyed the reputation of being the land of wide open spaces; and

Whereas, The enjoyment of outdoor recreation is an opportunity all Texans should have; and

Whereas, The Texas Parks and Wildlife Commission through the various programs administered by it provides such opportunities for outdoor recreation; and

Whereas, The Democratic Party Platform calls for expanded opportunities for enjoyment of park facilities; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Parks and Wildlife Commission and Department be encouraged to continue its program of acquisition and development of recreational facilities with special emphasis on areas easily accessible to the urban population centers; and, be it further

Resolved, That the Commission and Department be encouraged to make every effort to speed up development of such sites for the earliest possible use and enjoyment by those Texans living in metropolitan areas; and, be it further

Resolved, That the governing bodies of the major cities of this state be encouraged to participate in the program of local assistance for recreational development administered by the Parks and Wildlife Commission under the Federal Land and Water Conservation Fund Act of 1965.

The resolution was referred to the Committee on Parks and Wildlife.

HSR 406—REFERRED TO COMMITTEE

(Relating to censorship of printed material by the House printing shop)

Mr. Harris offered the following resolution:

HSR 406

Whereas, Concern for the dignity and reputation of the House of Representatives should afford no warrant for the repression of the fundamental rights of freedom of speech and freedom of the press; and

Whereas, Those who won our independence did not exalt order at the cost of liberty; and

Whereas, It is only through free debate and free exchange of ideas that Government remains responsive to the will of the people and peaceful change is affected; and

Whereas, The right to speak freely and promote diversity of ideas is one of the chief distinctions that sets us apart from totalitarian regimes; and

Whereas, Censorship of legislative newsletters to bring Representatives into ideological goose-step brigades serves only to subvert freedom; now, therefore, be it

Resolved, That no Member of the House of Representatives shall be accountable to any other Member, or employee, for material ordered printed in any facility maintained by the House of Representatives and paid for by the great State of Texas; and, be it further

Resolved, That a Member of the House shall be subjected to no restriction whatsoever in procuring the printing of any material in the House Printing Shop, and shall be accountable solely to his constituency for the content and integrity thereof.

Signed: Harris and Braun

The resolution was referred to the Committee on House Administration.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 792 to the Committee on Counties.

SB 874 to the Committee on Higher Education.

SB 888 to the Committee on Counties.

SB 900 to the Committee on Conservation and Reclamation.

SB 902 to the Committee on Public Health.

SB 910 to the Committee on Agriculture.

SB 917 to the Committee on Judicial Districts.

SB 929 to the Committee on Counties.

SB 948 to the Committee on Counties.

SB 949 to the Committee on Parks and Wildlife.

Representatives Sanchez and Slack entered the House and were announced present.

HSR 17—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 17, Creating an interim committee to study the insurance industry.

The resolution was adopted without objection.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 423, by Ogg: Welcoming Girl Scout Cadette Troop 1019.

Representatives Nelms, Clark, Cruz, and Graves entered the House and were announced present.

HSR 101—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 101, Creating an interim study committee on population and natural resources.

The resolution was adopted without objection.

(Speaker in the Chair)

Mr. Graves moved to reconsider the vote by which HSR 101 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HSR 65—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HSR 65, Creating a special interim committee to make a study of the Volunteer Firemen's Pension Plan.

The resolution was adopted.

Mr. Adams moved to reconsider the vote by which HSR 65 was adopted and to table the motion to reconsider.

The motion to table prevailed.

Representative Zan Holmes entered the House and was announced present.

HCR 110—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 110, Creating a special interim committee to study no-fault automobile insurance and competitive automobile insurance rate-making.

The resolution was adopted.

Mr. Grant Jones moved to reconsider the vote by which HCR 110 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HCR 126—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 126, Memorializing Congress concerning truck driver qualifications.

The resolution was adopted without objection.

Mr. Von Dohlen moved to reconsider the vote by which HCR 126 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HSR 52—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HSR 52, Creating an interim committee to study the growing problem of pornography.

Mr. Harold Davis offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend HSR 52 by striking the words "and three citizens," appearing in line 30.

The committee amendment was adopted without objection.

HSR 52, as amended, was adopted without objection.

Mr. Harold Davis moved to reconsider the vote by which HSR 52 was adopted and to table the motion to reconsider.

The motion to table prevailed.

Representatives Caldwell, Sherman, and Bowers entered the House and were announced present.

ADDRESS BY THE RIGHT HONORABLE JAMES HAROLD WILSON

(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of SCR 84, providing for a Joint Session of the Senate and the House of Representatives at 11:00 a.m. today for the purpose of hearing an address by the Right Honorable James Harold Wilson, Former Prime Minister of Great Britain, Lieutenant Governor Ben Barnes and the Honorable Senators were announced at the

Bar of the House and were admitted to the Hall of the House and occupied seats arranged for them.

Lieutenant Governor Ben Barnes occupied a seat on the Speaker's Rostrum.

At 11:00 a.m., Prime Minister Wilson and Mrs. Wilson; former President Lyndon B. Johnson and Mrs. Johnson; Governor Preston Smith, and Dean and Mrs. John A. Gronouski escorted by Senators Mauzy, Jordan, Wallace, Harrington, and Beckworth, Committee on the part of the Senate and Representatives Heatly, Longoria, Jungmichel, Hilliard, Niland, Swanson, Golman, Ingram, Clayton, and Traeger, Committee on the part of the House, were announced at the Bar of the House and, being admitted were escorted to seats on the Speaker's Rostrum.

Lieutenant Governor Ben Barnes called the Senate to order.

A quorum of the Senate was announced present.

The Honorable G. F. (Gus) Mutscher, Speaker of the House, called the House of Representatives to order.

Speaker Mutscher directed the Clerk to call the roll of the House.

The roll of the House was called.

A quorum of the House was announced present.

Speaker Mutscher stated that the two Houses were in Joint Session for the purpose of hearing an address by the Right Honorable James Harold Wilson.

Speaker Mutscher then presented the Honorable Preston Smith, Governor of Texas, to the Joint Session.

Governor Smith addressed the Joint Session and introduced Former Prime Minister James Harold Wilson of Great Britain.

The Right Honorable James Harold Wilson then addressed the Joint Session, speaking as follows:

It is a privilege today to address the elected members of the two Houses of the Legislature of a state which has played as great a part in the nation's history—political, military, industrial, economic—as it plays in its geography and vital statistics.

For me it is a special pleasure in that in the late 1960's I had five years of close and intimate working with a great Texan—in the maintenance and building up of that close relationship between the United States and Britain on which I speak here in this city on my arrival last week, and which is an essential, indispensable, vital factor, for good or ill, in world affairs. At a time when Britain and the United States faced deep economic and international problems, it was a great and rewarding experience to be dealing with the first ever really Texan President, that is to say, so far.

I had the advantage in this relationship of having come from a part of Britain, Yorkshire, which has sometimes been described as the Texas of Britain. During my first visit to the White House as Prime Minister in 1964, in a speech following the dinner, I drew attention to our similarities. Yorkshire is the biggest county in England, Texas was the largest state in the Union. But I pointed out that both of us suffer from the commentators, in your country, those who are jealous of Texas, and in Britain, those who are animated by similar feelings about those of us who hail from Yorkshire, and so we suffer from what they portray to the outside world. What our detractors do not realize is that we are essentially modest peoples—you in Texas, we in Yorkshire, always going to great lengths to conceal our quintessential qualities; that we are kind and gentle, our industrialists and politicians alike meek and amenable; and it is notorious that our politicians, particularly those such as President Johnson and myself, are always being put upon, taken for a ride, by the smarter and more professional politicians. Obviously we are defective in our public relations since not many people outside Texas and Yorkshire really believe what we say about ourselves. I have had no success even in persuading my own wife.

Much of the image of Texas is based on legends of cattle ranching and oil. I am sorry to have to tell you that we have now more oil in the English Channel than you have under the soil of Texas. I am not referring to our oil strikes in the North Seas, but to the consequences of a series of tanker collisions in and around the Straights of Dover.

But, in a more serious vein, I believe that one reason why world leaders found President Lyndon Johnson the man he was to deal with was the schooling he received from the raw material he received in politics in this state. He would define the raw material of politics as people and he would be right. And because of his origins, because of what he was able to learn from the people you have been elected to represent, their fathers and even their grandfathers, he was dealing with human problems. Not theories, not sophisticated philosophies, but the elemental realities of the soil, what could grow on it and what could be brought up from beneath that soil. Agriculture—not as an end in itself—but as a fulfillment—a way of life, that would enrich those who produced the nation's food and those who consumed it. Industry as a means to employment—and as a young man he grew up in a state and a nation, as I did, where the right to work of every free man had been denied by the breakdown of a system. A breakdown, where a system which had been created to serve industry, and those who worked in industry, had arrogantly asserted and usurped the mastery of that industry and those for whom industry was created.

Over the early years, in particular, between 1964 and 1970, when I met with him to discuss world problems or exchanged Transatlantic messages by written or spoken word, it was frequently necessary—more so than either of us would have wished—to discuss problems of international economies and monetary policies. Britain was fighting to turn the largest balance of payments deficit in her history into the largest surplus ever achieved—and it was achieved in 1970. When Britain needed short term help, which we have repaid, that help was generously vouchsafed.

There were problems mutual to our two countries, the battle against inflation; the battle for employment; there were the problems of an un-

stable and creaking world monetary system. We discussed these problems; he lent the massive weight of his authority to the decisions that had to be taken. Because, though he mastered, as a President must, the intricacies of the gold and foreign exchange markets, of world liquidity, and Special Drawing Rights, of budgets and taxes, and the system of control over government expenditures, which fundamentally is a political decision of social and human priorities, it was not for the satisfaction of an intellectual exercise. It was because he had learnt from the basic realities of the environment from which he derived, that in the twentieth century, as in the nineteenth, in man's eternal struggle with a new frontier, man must master the frontier, or the frontier masters man. These esoteric monetary matters had to be settled, had to be mastered by Presidents and Prime Ministers, lest they should master the millions whose jobs, whose living standards, whose family security, depend upon them.

Equally, he, and the other great Texans called to the service of the nation, in peace and in war, came to that service strengthened in their international and interracial experience and thinking by being the sons of a state which from the outset has been truly international, in its origin and development, building its unity, not by denying or repressing the diverse qualities of the national and other groups and communities from which it is constituted, but by drawing on and enhancing the qualities of the constituents of that very diversity to enrich the whole.

I referred earlier to what, in the jargon of the communicators, would be called the "image" of Texas. In a very real sense, and speaking seriously now, it is a new and live picture which the world now sees—different from those derived from the Western films we saw in our boyhood, or the exploits of the legendary oil barons. As an observer from far away, I should judge that the speed of change of Texas must be as great as that of any other American state, or of any nation-state of comparable size and population. In this century, it has developed from a robust frontier state, dependent on agriculture, the new oil discoveries and shipping, to a thriving, highly sophisticated, modern, technological community, in which agriculture and the older industries still form an essential part themselves, in their new and modern setting.

No fiction writer, from Jules Verne to H. G. Wells, could have foreseen the speed of your state's technological development, your computer industry, electronics, and other industrial developments, and, above all, the vast Houston complex dedicated to the conquest of space. If millions, all over the world, saw the old Texas on the screens of the world's cinemas, hundreds of millions have seen the new on television screens of their own homes, in exploit after exploit, sharing the hopes and fears, the anxieties, agonies even, and the triumphs of the courageous, the skilled, and the resourceful who are an essential part of the life of your state, in their ceaseless battle to master a frontier of time and space, adding a new dimension undreamed of by those who fought to create and build Texas, in independence and statehood alike.

In my brief stay of only a few days, my first, but not, I trust, my last visit to Texas, I have been privileged to see something of another side which is as surely a criterion of the mark of civilization as anything I have described—the strides you have made and are making in the field of education, not least higher education. My visit to The University of Texas on Friday—and I shall be spending the rest of today there, was exciting and challenging. You have the right to be proud of those young people—and of the first

generation of pioneers I met yesterday who are working at the newly founded Lyndon B. Johnson School. Well led, taught with dedication and inspiration, they will help to create the Texas and America of tomorrow, the engineers and scientists, the industrialists, the academics, the doctors and teachers, and social workers, the lawyers and artists, and architects, the statesmen of municipal, state, and national government. They will prove worthy of the challenge. In a world where in your nation and in mine, and elsewhere, there is increasing anxiety about the adequacy of career opportunities for them, the number of jobs, their quality and the fulfillment they offer, as the shadow of graduate unemployment lengthens in our modern industrial societies, there is a challenge to our generation, in politics and industry, to ensure that opportunities commensurate with their abilities and potential remain open, and grow.

I have referred to President Lyndon Johnson. When abroad, I seek not to interfere in the political controversies of other nations, or to export our own. But in a sense which is undeniable and above and beyond controversy, his concept of the Great Society is relevant to those students and to all others of their generation, not only in providing rewarding careers and opportunities, but equally in holding out to them the possibility of contributing in full measure to the needs and welfare of the community. In that same sense, the Great Society is a concept which will dominate the agenda not only for this state and this nation but for the world.

That the community of which you are the elected representatives has so fully responded to the challenge of this war and postwar generation, this fact carries with it, I believe, the warrant that in that wider and deeper challenge your people and their leaders will not be found wanting.

It is a privilege to have been able to address you and to bring to you the greetings of our own people from Britain; our wishes for your future, and as part of that future, the growth of contacts, understanding, and friendship between us.

At the conclusion of the address by Prime Minister Wilson, Speaker Mutscher expressed appreciation to Prime Minister Wilson for his address.

Speaker Mutscher then introduced other State Officials present.

Speaker Mutscher then introduced the Honorable Lyndon B. Johnson to the Joint Session.

President Johnson addressed the Joint Session.

The Speaker then introduced Mrs. Harold Wilson, Mrs. Lyndon B. Johnson and Dean and Mrs. John A. Gronouski to the Joint Session.

Speaker Mutscher recognized Governor Preston Smith who presented a certificate to the Right Honorable Harold Wilson naming him an Honorary Texas Citizen.

SENATE RETIRES

At 11:37 a.m., Lieutenant Governor Ben Barnes stated that the purpose for which the Joint Session had been convened had been accomplished and that the Senate would retire to its Chamber.

HOUSE AT EASE

Speaker Mutscher stated that the House would stand at ease pending the departure of the guests.

The Speaker called the House to order at 11:50 a.m.

Representatives Tom Holmes, Dean Neugent, Lemmon, and Earthman entered the House and were announced present.

RECESS

Mr. Slider moved that the House recess until 1:30 p.m. today.

The motion prevailed without objection.

The House accordingly, at 11:52 a.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The House met at 1:30 p.m. and was called to order by the Speaker.

Representatives Johnson and Floyd entered the House and were announced present.

INTRODUCTION OF HOUSE BILLS

Mr. Doran asked unanimous consent to introduce and have placed on first reading HB 1792.

There was no objection offered.

Mr. Lemmon asked unanimous consent to introduce and have placed on first reading HB 1793.

There was no objection offered.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills:

SB 175, Amending the Texas Professional Association Act.

SB 217, Relating to the creation of a Juvenile Board for Deaf Smith County.

SB 335, Relating to conforming certain definitions and administrative provisions of the Certificate of Title Act to the Business and Commerce code.

SB 635, Authorizing the District Attorney of the 22nd Judicial District of Texas to employ certain necessary employees.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 174 by 23 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 176 by 23 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 272 by 24 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 447 by 24 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 396 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Jim Wallace, J. P. Word, Lindley Beckworth, William Moore, and Jim Bates.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 652 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Chet Brooks, Tom Creighton, Jim Wallace, Glenn Kothmann, and Max Sherman.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

(Mr. Hale in the Chair)

Representative Atwood entered the House and was announced present.

LEAVES OF ABSENCE GRANTED

On motion of Mr. Kaster, Mr. John Hannah and Mr. Bill Bass were granted leaves of absence for the remainder of today on account of important business.

HCR 64—ADOPTED

The Chair laid before the House the following resolution on committee report:

HCR 64, Creating an interim committee on historic flags of Texas.

The resolution was adopted.

HB 681 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 681, A bill to be entitled An Act amending Article II of the Texas Liquor Control Act, Acts 1935, 44th Legislature, 2nd Called Session, as amended (Article 667, Vernon's Texas Penal Code), by adding a new Section 23-A-1; providing for severability; and declaring an emergency.

(Speaker in the Chair)

The bill was read second time.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Kubiak, Mr. Poerner was granted leave of absence for the remainder of today on account of important business.

HB 681—(Consideration continued)

The vote of the House was taken on passage to engrossment of HB 681 and the vote was announced Yeas 67, Nays 63.

A verification of the vote was requested and was granted.

The roll of those voting Yea was again called and the verified vote resulted as follows:

Yeas—64

Agnich	Floyd	Kaster	Salem
Allen, Joe	Gammage	Kilpatrick	Santiesteban
Allen, John	Garcia	Kost	Schulle
Atwell	Golman	Lemmon	Shannon
Bass, T.	Grant	Lewis	Sherman
Blanton	Hale	Lombardino	Silber
Blythe	Harding	McKissack	Spurlock
Braecklein	Harris	Moncrief	Stroud
Braun	Hawn	Murray	Swanson
Bynum	Hilliard	Neugent, D.	Traeger
Cavness	Hubenak	Newton	Tupper
Cruz	Ingram	Nichols	Uher
Doran	Johnson	Niland	Von Dohlen
Dramberger	Jones, E.	Nugent, J.	Williams
Farenthold	Jones, G.	Ogg	Wolff
Finck	Jungmichel	Parker, W.	Wyatt

Nays—63

Adams	Cole	Holmes, Z.	Price
Allred	Craddick	Howard	Reed
Angly	Daniel	Hull	Rosson
Baker	Davis, H.	Jones, D.	Salter
Beckham	Denton	Lee	Sanchez
Bigham	Doyle	Lovell	Short
Bowers	Earthman	McAlister	Simmons
Boyle	Finnell	Moore, A.	Slider
Burgess	Finney	Moore, T.	Solomon
Caldwell	Foreman	Nabers	Stewart
Cates	Graves	Nelms	Truan
Christian	Hanna, Joe	Orr	Vale
Clark	Hawkins	Patterson	Ward
Clayton	Head	Pickens	Wieting
Coats	Heatly	Poff	Williamson
Cobb	Hendricks	Presnal	

Absent

Atwood	Holmes, T.	Mengden	Tarbox
Calhoun	Kubiak	Moore, G.	Wayne
Carrillo	Ligarde	Slack	
Haynes	Longoria	Smith	

Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

By unanimous consent, the House dispensed with the verification of those voting Nay.

The Speaker stated that HB 681 was passed to engrossment by the above vote.

Mr. Traeger moved to reconsider the vote by which HB 681 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 314 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 314, A bill to be entitled An Act relating to withdrawal of consent by the chief administrative officer of a state-supported institution of higher education, or his designee, for a person to remain on campus; providing for a written report of such withdrawal in certain instances; providing for reinstatement of consent; providing a hearing; unlawful entry on the campus of a state-supported institution of higher education; providing a penalty; and declaring an emergency.

The bill was read second time.

Mr. Rosson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 314 by striking all below the enacting clause and substituting the following:

Section 1. Identification. (a) During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education in accordance with the definition set out in Subsection (b) of this section, the chief administrative officer, or an officer or employee of the institution designated by him to maintain order on the campus or facility of the institution, is authorized to require that any person on the campus or facility present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of his relationship with the institution. If any person refuses or fails upon request to present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official identification card, or other evidence of his relationship with the institution, and if it reasonably appears that any such person has no legitimate reason to be on the campus or facility, any such person may be ejected from the campus or facility.

(b) A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property or injury to human life on the campus or facility.

Sec. 2. Students and Nonstudents—14-day withdrawal of consent. (a) During periods of disruption as determined and defined in Section 1 of this Act, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has wilfully disrupted the orderly operation of such campus or facility and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn. Such notification shall be in accordance with procedures set out in Subsection (b) of this section.

(b) When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on such campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. Such written notice shall contain all of the following:

(1) that consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;

(2) the name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;

(3) a brief statement of the activity or activities resulting in the withdrawal of consent; and

(4) notification that the person from whom consent has been withdrawn is entitled to a hearing on such withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

(c) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall within 24 hours submit a written report to the chief administrative officer. Such report shall contain all of the following:

(1) the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and

(2) a statement of the facts giving rise to the withdrawal of consent.

(d) If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the written report described in Subsection (c) of this section, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer, or in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(e) The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the 14-day period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than three days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(f) The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

(g) Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Subsection (a) of this section, who has not had such consent reinstated, and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Section 5 of this Act. This subsection does not apply to any person who enters or remains on such campus or facility for the sole purpose of ap-

plying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(h) This section shall not affect the power of the duly constituted authorities of a state-supported institution of higher education to suspend, dismiss, or expel any student or employee at such university or college.

Sec. 3. Students and Employees—Barred from Campus During Suspension or Dismissal. (a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility, of such institution, as a condition of such suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of such suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 5 of this Act.

(b) Knowledge shall be presumed if personal service has been given as prescribed in Subsection (a) of this section.

Sec. 4. Refusing or Failing to Leave Building. No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that such individual or individuals have no apparent lawful business to pursue.

Sec. 5. Penalty. A person who violates Subsection (g) of Section 2, Subsection (a) of Section 3, or Section 4 of this Act is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$500 or imprisonment in the county jail for not more than six months, or both.

Sec. 6. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of the Act are declared to be severable.

Sec. 7. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Mr. Rosson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 314 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to maintaining order on the campuses or facilities of state-supported institutions of higher education; authorizing the chief administrative officer of a state-supported institution of higher education, or his delegate, to demand from any person on the campus or facility certain identification, when the circumstances reasonably indicate that a period of disruption exists, and authorizing ejection from the campus or facility of certain persons not complying; relating to the withdrawal of consent for any student or nonstudent to remain on the campus or facility of a state-supported institution of higher education; authorizing a bar from the campus or facility to be imposed upon a student or employee of a state-supported institution of higher education who has been suspended or dismissed from the institution according to established procedures; prohibiting persons from refusing to leave a building under the control and management of a public agency, including a state-supported institution of higher education, under certain circumstances; providing penalties; and declaring an emergency.

The committee amendment was adopted without objection.

HB 314, as amended, was passed to engrossment.

Mr. Cobb moved to reconsider the vote by which HB 314 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Mr. Silber and Mr. Truan requested to be recorded as voting Nay on the passage to engrossment of HB 314.

SB 396—REQUEST OF SENATE GRANTED

On motion of Mr. Salter, the House granted the request of the Senate for the appointment of a Conference Committee on SB 396.

SB 396—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 396:

Representatives Salter, Chairman; Carl Parker, Rosson, Braecklein, and Shannon.

SB 652—REQUEST OF SENATE GRANTED

On motion of Mr. Clayton, the House granted the request of the Senate for the appointment of a Conference Committee on SB 652.

SB 652—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 652:

Representatives Clayton, Chairman; John Allen, Finck, Swanson, and Cruz.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and resolutions:

HB 19, Relating to terms of supervisors of Mayfair Park Municipal Utility District in Fort Bend County.

HB 126, Relating to election procedures for office of trustee of certain independent school districts.

HB 190, Permitting appointment of juvenile officer for Fannin County.

HB 210, Relating to eligibility for beginning positions with police departments.

HB 214, Relating to student union fee at North Texas State University.

HB 222, Eliminating requirement that a jury commissioner be a freeholder.

HB 306, Validating special elections in certain cities and towns.

HB 387, Relating to salary of Judge of County Court at Law of Hidalgo County.

HB 396, To include armed forces personnel as eligible for resident hunting licenses.

HB 553, Validating incorporation, boundaries, and governmental findings of cities between 215 and 217 population.

HB 564, Creating Irving Flood Control District of Dallas County.

HB 581, Making a supplemental appropriation to the Board of Architectural Examiners; increasing salary of the executive secretary.

HB 586, Prohibiting hunting deer with dogs in Liberty County.

HB 620, Relating to deer season and prohibiting the taking of spike deer in Trinity County.

HB 652, Authorizing Mental Health and Mental Retardation Department and other state institutions to purchase annuities for their employees.

HB 691, Relating to compensation of certain county and district officials.

HB 692, Prescribing maximum salary to be paid official shorthand reporters for 124th and 188th Judicial Districts.

HB 738, Prohibiting the hunting or killing of white-winged dove without requisite permit.

HB 741, Relating to salary of juvenile officer and assistant juvenile officer of Grayson County.

HB 785, Relating to increasing maintenance tax in certain school districts.

HB 797, Increasing examination and licensing fees for certified public accountants.

HB 798, Concerning members of State Board of Public Accountancy and residency requirements of certified public accountants.

HB 948, Authorizing Parks and Wildlife Commission to quitclaim certain lands in Goliad State Park to County and City of Goliad.

HB 1159, Relating to jurisdiction of Gregg County Court of Domestic Relations.

HCR 72, Requesting Parks and Wildlife Department to issue additional bonds for acquisition and development of new parks.

HCR 123, Commending Claude W. Brown.

HCR 124, In memory of Claude C. Wild.

Representative Griffith Moore entered the House and was announced present.

HB 275 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 275, A bill to be entitled An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully state-supported, coeducational institution of higher learning, to be known as the University of South Texas; establishing a Board of Regents and providing for its appointment, tenure and authority; prescribing the powers of the Board of Regents; providing for the collection of fees and the acceptance of gifts and donations; providing that general laws affecting other state institutions of higher learning, not in conflict with this Act, shall apply to and govern the University of South Texas; authorizing contracts for courses in military training; providing that the several sections of this Act shall be severable; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

The bill was read second time.

Mr. Cole offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 275 by striking all below the enacting clause and substituting the following:

Section 1. The Board of Directors of Texas A&I University is hereby authorized and directed to establish and maintain a fully state-supported coeducational institution of higher learning to be known as Texas A&I University at Corpus Christi. The site for said institution shall consist of at least two hundred (200) acres of land and shall be provided for said institution at no cost to the state. The institution shall be organized to accept only junior, senior, and graduate level students, with at least sixty (60) semester hours of accredited college or university study.

Section 2. The Board of Directors shall have the authority to prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and to award such degrees. It is the intent of the Legislature that such degrees shall include baccalaureate and masters degrees and their equivalents, and that there be established a standard program for such type institution, but no department, school or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System. The Board of Directors shall make such other rules and regulations for the operation, control and management of the university, including the determination of the number of students that shall be admitted to any school, college or degree-granting program, as may be necessary for the conduct of the university as one of the first class. The Board of Directors is specifically authorized to make joint appointments in the university and in other institutions under its governance; the salary of any such person who receives such joint appointment to be apportioned to the appointing institution on the basis of services rendered.

Section 3. The Board of Directors is hereby authorized to accept and administer upon terms and conditions satisfactory to it grants or gifts of property, including real estate and/or money that may be tendered to it in aid of the planning, establishment, conduct and operation of Texas A&I University at Corpus Christi, and in aid of research and teaching at the university. The Board of Directors is authorized and empowered to accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university.

Section 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 5. The fact that there is an imperative need for this state institution and the fact that the creation and establishment of Texas A&I University at Corpus Christi is in the best interests of all of the people of the State of Texas create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Gammage offered the following substitute amendment for Committee Amendment No. 1:

Amend HB 275 by striking all below the enacting clause and substituting the following:

Section 1. Establishment. There is established in the City of Corpus Christi a coeducational institution of higher education to be known as the University of Corpus Christi.

Sec. 2. Applicability of General Laws. The University of Corpus Christi is subject to the obligations and entitled to the benefits of all general laws of Texas applicable to all other state institutions of higher education, except where the general laws are in conflict with this chapter, and in the event of conflict this chapter prevails to the extent of the conflict.

Sec. 3. Board of Regents. The organization and control of the university are vested in a board of nine regents.

Sec. 4. Appointments to Board; Terms. Members of the board are appointed by the Governor with the advice and consent of the Senate. The term of office of each regent shall be six years, except that in making the first appointments the Governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the Governor.

Sec. 5. Qualifications of Members; Oath. Each member of the board shall be a citizen of the State of Texas, and each member shall take the Constitutional Oath of Office.

Sec. 6. Officers. The board shall elect one of the members chairman. They shall elect any other officers they deem necessary.

Sec. 7. Compensation. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman.

Sec. 8. Meetings. The board shall hold a regular meeting at the campus of the university during the month of April annually, and at other times and places scheduled by the board or designated by the chairman.

Sec. 9. Minutes. Full, accurate, and complete minutes of the board shall be kept and shall be open to inspection by the public at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee assessed by the board, which shall not exceed 25 cents per 100 words or fractional part thereof.

Sec. 10. President. The board shall select a president for the university, who shall be the executive officer for the board and shall work under its direction. The president shall recommend the plan or organization of the university and shall be responsible to the board for the general management and success of the university.

Sec. 11. Personnel: Appointments, Salaries, etc. The board may appoint and remove the president, any faculty member, or other officer or employee of the university when, in its judgment, the interest of the university re-

quires it. The board shall fix the respective salaries and duties of the officers and employees.

Sec. 12. Courses and Degrees. The board shall prescribe courses leading to customary degrees offered in American universities of the first rank. However, the role and scope of the university, including its authorized departments and offerings of degree and certificate programs, shall be limited to upper-division, master level, and senior instruction, and are subject to the determination and approval of the Coordinating Board, Texas College and University System. All work done and all courses, degrees, certificates, and diplomas awarded shall conform to standard college requirements as promulgated by the accrediting associations that supervise matters of accreditation of universities and colleges in the State of Texas.

Sec. 13. Reports. The board shall report in detail to the Governor and to the Coordinating Board, Texas College and University System, annually, and to the legislature at the beginning of each regular session, on the following matters:

- (1) the receipts and disbursements of the university and the expenses incurred;
- (2) the number of teachers and the salary of each member of the faculty;
- (3) the number of employees and the salary and duties of each person;
- (4) the number of students, classified by grades and departments; and
- (5) a summary of the proceedings of the board and of the faculty.

Sec. 14. Suits. The board has the power to sue and be sued in the name of the University of Corpus Christi. Venue shall be in either Nueces County or Travis County. The university shall be impleaded by service of citation on the president or any of its vice presidents.

Sec. 15. Contracts. All contracts of the university shall be approved by a majority of the board.

Sec. 16. Bylaws; Rules; Regulations. The board shall enact bylaws, rules, and regulations necessary for the successful management and government of the university.

Sec. 17. Donations, Gifts, Endowments. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, provided that the purposes and directions, limitations, and provisions are not inconsistent with the laws of the State of Texas or with the objectives and proper management of the university.

Sec. 18. Lease and Management of Land. (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on

terms which the board deems in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas.

(b) All money received under and by virtue of the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and shall accord the money deposited in it the same protection by the pledging of assets of the depository as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on any revenue bonds or notes issued by the board, and for any other use or purpose which in the judgment of the board may be for the good of the university.

Sec. 19. Eminent Domain. The board has the power of eminent domain to acquire for the use of the university any land necessary and proper for carrying out its purposes as a state-supported institution of higher education. However, the power of eminent domain is restricted to the area within Nueces County and any county whose boundaries are contiguous to Nueces County. The board shall not be required to deposit a bond or the amount equal to the award of the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 20. Acquisition and Disposition of Land. The board may acquire by purchase, donation, or otherwise for the use of the university any land and other real property necessary or convenient for carrying out its purposes as a state-supported institution of higher education, and may sell, exchange, lease, or otherwise dispose of any land or other real property owned by or acquired for the university. However, the power of acquisition and disposition is restricted to the area within Nueces County and the counties whose boundaries are contiguous to Nueces County. The proceeds from any sale of land or other real property shall be added to the capital funds of the university. No new institutions, branches, or other operations of any kind shall be developed without specific authorization by the legislature.

Sec. 21. Charges for Services to the Public; Reports. (a) A schedule of minimum fees and charges shall be established by the board for services performed by any department of the university for students and the public. The schedule shall conform to the fees and charges customarily made for like services in the community. By way of example, but not as a limitation, are services of the hearing clinic, optometry clinic, reading clinic, and data processing and computing center.

(b) All fees and compensation derived from performing services shall be reported to the Governor and to the Coordinating Board, Texas College and University System, annually, to the legislature at the beginning of each regular session, and to the board as required by it. A brief statement of the firm, society, organization, or association using the facilities and the use made shall be included in each report.

Sec. 22. Military Training. (a) Within its authority to contract with the Department of Defense for military training, the board may lease

armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university.

Sec. 23. Ratification of Contracts, Bonds, Notes. All contracts, bonds, and notes heretofore entered into or issued by or in behalf of the University of Corpus Christi are hereby ratified, confirmed, and validated for and on behalf of the university created by this Act.

Sec. 24. Donation of Properties. The University of Corpus Christi, acting by and through its governing board, has agreed to donate to the board of regents of the university herein created 200 acres of land on campus all of the other assets, real, personal, tangible and intangible held in its name, whether of record or not, on the first day of September, 1971, together with all of the indebtednesses against it on that date still outstanding, and from such date the University of Corpus Christi created by this Act shall hold title to all properties so conveyed and shall commence operations of such properties for the use and benefit of the State of Texas.

Sec. 25. Effective Date. This Act takes effect September 1, 1971.

Sec. 26. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 27. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Mr. Murray moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—100

Adams	Carrillo	Daniel	Garcia
Angly	Cavness	Davis, H.	Golman
Atwell	Christian	Doran	Grant
Atwood	Clark	Dramberger	Hanna, Joe
Blanton	Clayton	Finck	Hawkins
Boyle	Cobb	Finnell	Hawn
Braecklein	Cole	Finney	Haynes
Burgess	Craddick	Floyd	Heatly
Bynum	Cruz	Foreman	Hendricks

Hilliard	Lewis	Nugent, J.	Slack
Holmes, T.	Lombardino	Ogg	Slider
Holmes, Z.	Longoria	Orr	Solomon
Howard	Lovell	Parker, W.	Stewart
Hubenak	McAlister	Patterson	Stroud
Hull	McKissack	Pickens	Swanson
Ingram	Mengden	Poff	Tarbox
Johnson	Moncrief	Price	Traeger
Jones, D.	Moore, A.	Rosson	Truan
Jones, G.	Moore, G.	Salter	Tupper
Jungmichel	Murray	Sanchez	Uher
Kaster	Nabers	Santiesteban	Von Dohlen
Kilpatrick	Nelms	Schulle	Ward
Kost	Neugent, D.	Shannon	Williams
Kubiak	Newton	Sherman	Wolff
Lee	Niland	Silber	Wyatt

Nays—36

Agnich	Bowers	Gammage	Nichols
Allen, Joe	Braun	Graves	Presnal
Allen, John	Caldwell	Hale	Reed
Allred	Cates	Harding	Salem
Baker	Coats	Harris	Short
Bass, T.	Denton	Head	Simmons
Beckham	Doyle	Jones, E.	Spurlock
Bigham	Earthman	Lemmon	Vale
Blythe	Farenthold	Moore, T.	Wieting

Present—Not Voting

Williamson

Absent

Calhoun	Ligarde	Smith	Wayne
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Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

Mr. Hale offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 275 by deleting the sentence beginning with the words "The site" in line 20 on Page 4 of 2nd printing, and ending with the words "the state" in line 22 on Page 4.

Mr. Pickens moved to table the above amendment.

The motion to table prevailed.

Committee Amendment No. 1 was adopted.

Mr. Cole offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 275 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the establishment, maintenance, support and administration of Texas A&I University at Corpus Christi; providing for severability; and declaring an emergency.

The committee amendment was adopted without objection.

HB 275, as amended, was passed to engrossment by the following vote:

Yeas—110

Adams	Doyle	Jones, D.	Reed
Allen, Joe	Dramberger	Jungmichel	Salem
Allen, John	Farenthold	Kilpatrick	Salter
Allred	Finck	Kost	Sanchez
Angly	Finney	Kubiak	Santiesteban
Atwell	Foreman	Lemmon	Schulle
Atwood	Gammage	Lombardino	Shannon
Baker	Garcia	Longoria	Sherman
Bass, T.	Golman	Lovell	Silber
Beckham	Grant	McAlister	Simmons
Bigham	Graves	McKissack	Slack
Blanton	Hale	Moncrief	Spurlock
Boyle	Harding	Moore, A.	Stewart
Braecklein	Harris	Moore, G.	Stroud
Braun	Hawkins	Moore, T.	Swanson
Burgess	Hawn	Murray	Tarbox
Bynum	Haynes	Nabers	Traeger
Caldwell	Head	Nelms	Truan
Carrillo	Heatly	Neugent, D.	Tupper
Cates	Hendricks	Newton	Vale
Clark	Hilliard	Nichols	Von Dohlen
Coats	Holmes, T.	Nugent, J.	Ward
Cole	Holmes, Z.	Ogg	Wieting
Craddick	Howard	Orr	Williams
Cruz	Hubenak	Parker, W.	Williamson
Daniel	Hull	Pickens	Wolff
Davis, H.	Ingram	Price	Wyatt
Denton	Johnson		

Nays—28

Agnich	Cobb	Kaster	Presnal
Blythe	Doran	Lee	Rosson
Bowers	Earthman	Lewis	Short
Calhoun	Finnell	Mengden	Slider
Cavness	Floyd	Niland	Solomon
Christian	Jones, E.	Patterson	Uher
Clayton	Jones, G.	Poff	Wayne

Absent

Hanna, Joe	Ligarde	Smith
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Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

Mr. Hale moved to reconsider the vote by which HB 275 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Finney asked unanimous consent of the House that the Committee on Business and Marketing Affairs be permitted to meet at this time.

There was no objection offered.

HB 628 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 628, A bill to be entitled An Act abolishing the office of county superintendent in all counties which have no common school districts; and declaring an emergency.

(Mr. Shannon in the Chair)

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1 of HB 628 by striking the words "the county judge as ex officio county superintendent" and substituting the words "the superintendents of the independent school districts located in the county."

The committee amendment was adopted without objection.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 628 by renumbering Section 2 as Section 4 and adding Sections 2 and 3 to read as follows:

Sec. 2. Nothing in this Act shall apply to counties in which the county superintendent and his employees and their expenses are paid in full from county funds.

Sec. 3. The effective date of the abolition of the office of county school superintendent shall be at the expiration of the present term of office of the present county superintendent, the intent being that the present county superintendent in each of these counties shall serve the remainder of his elected term of office.

Mr. Adams offered the following amendment to Committee Amendment No. 2:

Amend Committee Amendment No. 2 to HB 628 by adding a new Section 4 to such Committee Amendment No. 2 and renumbering Section 2 of the original bill as Section 5:

"Sec. 4. This Act shall not apply to the following counties: Shelby, San Augustine, Sabine, Nacogdoches, Polk, Newton, Jasper, Tyler, Hardin, San Jacinto, and Gregg."

Signed: Adams, Burgess, and John Hannah

Mr. Salter raised a point of order against further consideration of the amendment on the grounds that it is not germane to the bill.

The Chair sustained the point of order.

Committee Amendment No. 2 was adopted.

HB 628, as amended, was passed to engrossment by the following vote:

Yeas—103

Agnich	Dramberger	Kaster	Salter
Allen, Joe	Earthman	Kilpatrick	Sanchez
Allred	Farenthold	Kost	Santiesteban
Angly	Finck	Kubiak	Schulle
Atwell	Floyd	Lee	Sherman
Atwood	Gammage	Lemmon	Short
Baker	Garcia	Lewis	Silber
Bass, T.	Golman	Lombardino	Simmons
Beckham	Graves	Longoria	Slack
Bigham	Hale	McKissack	Slider
Blanton	Harding	Mengden	Smith
Blythe	Harris	Moncrief	Spurlock
Bowers	Hawn	Moore, G.	Stewart
Boyle	Haynes	Moore, T.	Stroud
Braecklein	Head	Murray	Swanson
Braun	Hendricks	Neugent, D.	Tarbox
Caldwell	Hilliard	Nichols	Traeger
Calhoun	Holmes, T.	Niland	Truan
Carrillo	Holmes, Z.	Nugent, J.	Tupper
Clayton	Howard	Orr	Uher
Coats	Hubenak	Parker, W.	Vale
Cobb	Hull	Patterson	Von Dohlen
Craddick	Ingram	Pickens	Wayne
Cruz	Johnson	Presnal	Williamson
Denton	Jones, E.	Reed	Wolff
Doyle	Jungmichel	Salem	

Nays—31

Adams	Doran	Jones, G.	Price
Allen, John	Finnell	Lovell	Rosson
Burgess	Foreman	McAlister	Solomon
Bynum	Grant	Moore, A.	Ward
Cates	Hanna, Joe	Nabers	Wieting
Christian	Hawkins	Nelms	Williams
Clark	Heatly	Newton	Wyatt
Cole	Jones, D.	Poff	

In The Chair

Shannon

Present—Not Voting

Cavness Ogg

Absent

Daniel Davis, H. Finney Ligarde

Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

Mr. Wayne moved to reconsider the vote by which HB 628 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE ON HB 628

I voted Present-Not Voting on the passage to engrossment of HB 628 because of a conflict of interest. I have a relative who is a county school superintendent.

Signed: Jack Ogg

COMMITTEE MEETING

Mr. Orr asked unanimous consent of the House that the Committee on Youth be permitted to meet at this time.

There was no objection offered.

HB 525 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 525, A bill to be entitled An Act amending Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), relating to assessments on agricultural commodities, as follows: amending Section 1, relating to the statement of policy; amending Section 2, relating to definition of terms; amending Section 3(a), relating to authorized programs; amending Section 12, relating to the status of a commodity producers board; amending Section 14, relating to the powers and duties of a board; adding a Section 17A, relating to remedies for violations; and adding a Section 17B, relating to adding new territory to the jurisdiction of a board; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Finnell offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 525 by striking all below the enacting clause and substituting the following:

Section 1. Section 1, Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Statement of Policy. It is declared to be in the interest of the public welfare of the State of Texas that the producers of any agricultural commodity be permitted and encouraged to develop, carry out, and participate in programs of research, disease and insect control, predator control, education, and promotion, designed to encourage the production, marketing, and use of such agricultural commodity. It is the purpose of this Act to provide the authorization and to prescribe the necessary procedures, whereby the producers of any agricultural commodity grown in this state may finance programs to achieve the purposes herein expressed. It is the express intent of the Legislature that such programs may be devised to alleviate any circumstances or conditions which serve to impede the production, marketing, or use of any agricultural commodity."

Sec. 2. Section 2, Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. Definitions. In this Act, unless the context requires a different definition:

"(1) 'Agricultural commodity' means any agricultural, horticultural, viticultural, or vegetable product, bees and honey, planting seeds, livestock and livestock product, or poultry and poultry product, produced in this state, either in its natural state or as processed by the producer.

"(2) 'Commissioner' means the Commissioner of Agriculture of the State of Texas.

"(3) 'Board' means the commodity producers board for a particular agricultural commodity.

"(4) 'Processor' means any person within this state who is a purchaser, warehouseman, processor, or other commercial handler of any agricultural commodity, or any person in this state who processes planting seeds, or any person within this state who is the mortgagee of any agricultural commodity, provided the mortgage did not cover the commodity in its state as a growing crop and provided the mortgage was executed at a time when the commodity was ready for marketing.

"(5) 'Producer' means any person within this state engaged in the business of producing, or causing to be produced for commercial purposes, any agricultural commodity.

"(6) 'Person' means any individual, firm, corporation, association, or any other business unit."

Sec. 3. Subsection (a), Section 3, Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Any nonprofit organization, authorized under the laws of the State of Texas, representing the producers of a particular agricultural commodity, may petition the commissioner of agriculture for certification as the duly delegated and authorized organization of such producers, for the purpose of conducting a referendum either on an area or statewide basis, on the proposition of whether or not the producers of such agricultural commodity shall levy an assessment upon themselves to finance programs authorized by this Act."

Sec. 4. Section 12, Chapter 462, Acts of the 60th Legislature, Regular Session, 1967 (Article 55c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. If the commissioner certifies establishment of the commodity producers board, the board is established and it has all the powers and duties prescribed by this Act. The board is an agency of the state for all purposes and is exempt from taxation in the same manner and to the same extent as are other agencies of the state."

Sec. 5. Section 14, Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 14. Powers and Duties of Board. A commodity producers board for any particular agricultural commodity has the following powers and duties:

"(1) to employ necessary personnel, fix the amount and manner of their compensation, and incur other expenses that are necessary and proper to enable the board to effectively carry out the purposes of this Act;

"(2) to promulgate and adopt reasonable rules and regulations, not inconsistent with the purposes of this Act;

"(3) to keep minutes of its meetings, and other books and records which will clearly reflect all of the acts and transactions of the board, and to keep these records open to examination by any producer participant during normal business hours;

"(4) to set the rate of the assessment which shall, however, in no instance exceed the maximum amount established in the election authorizing the assessment or at subsequent elections establishing a maximum rate;

"(5) to act jointly and in cooperation with others, or separately, for the purpose of developing, carrying out, and participating in programs of research, disease and insect control, predator control, education, and promotion, designed to encourage the production, marketing, and use of the commodity upon which the assessment is levied; and

"(6) to submit to the commissioner, within 30 days after the end of each fiscal year of the board, a report itemizing all income and expenditures and describing the activities of the board during the fiscal year."

Sec. 6. Chapter 462, Acts of the 60th Legislature, Regular Session, 1967 (Article 55c, Vernon's Texas Civil Statutes), is amended by adding a Section 15C to read as follows:

"Section 15C. Geographic Representation on Board. Subject to any rules and regulations that may be prescribed by the commissioner, and subject to the approval of the commissioner in each case, the board may provide for the election of all or part of its members from specified geographical areas, which may be referred to as districts. Any such plan, once adopted, may be modified from time to time with the approval of the commissioner. If a geographical representation plan is adopted, only those persons who reside in a district and are entitled to vote in the election may be candidates for member of the board to represent that district; and only those may vote for candidates to represent the district. Subject to these same provisions, applied to the certified organization, geographic representation may be instituted in the referendum and election to establish a commodity producers board. If geographical representation is adopted, all provisions of this Act remain applicable to the extent they may be made applicable."

Sec. 7. Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), is amended by adding a Section 17A to read as follows:

"Section 17A. Other Remedies. (a) The board may investigate conditions that relate to the prompt remittance of the assessment by any producer or processor. When it appears that any person has failed to remit to the board the assessment as required by this Act, the board may independently institute proceedings, or request the Attorney General and/or county or district attorney having jurisdiction to institute proceedings in the board's behalf, in a court of competent jurisdiction in Travis County or in the county in which the violation occurred to recover for the board all money due and owing to the board by virtue of the violation, and for injunctive and other relief as appropriate.

"(b) A violation of this Act is grounds for suspension or revocation of any license or permit issued by the commissioner according to the same procedures otherwise provided for suspension or revocation.

"(c) The remedies provided by this section are cumulative of other remedies provided by this Act or other law."

Sec. 8. Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), is amended by adding a Section 17B to read as follows:

"Section 17B. Adding New Territory. (a) Producers of an agricultural commodity in an area not within the jurisdiction of a commodity producers board for that commodity may petition the board for the conduct of a referendum within the area specified in the petition on the issue of whether or not the area shall be included within the jurisdiction of the board. The petition must be submitted to the board at least 75 days before the date of the biennial election of members of the board.

"(b) If the board determines that in the area described in the petition there exists among the producers of the commodity an interest in becoming subject to the jurisdiction of the board that is substantial enough to justify a referendum, then the board, with the approval of the commissioner, may conduct the election at its own expense.

"(c) The board shall give public notice, as hereinafter provided, of the date of the election, which shall be the date of the biennial election of members of the board; the amount and basis of the assessment collected by the board; a description of the manner in which the assessment is collected and the proceeds administered and utilized; and any other proposition the board proposes to include on the ballot as authorized or required by this Act. The notice shall be given by publication thereof in a newspaper or newspapers published and distributed, or having general circulation, within the boundaries set forth in the petition, for not less than once a week for three consecutive weeks beginning at least 60 days before the date of the regular biennial election. In addition, direct written notice shall be given to each county agent in any county within the boundaries set forth in the petition, at least 60 days before the date of the regular biennial election.

"(d) At any time after the first publication of the notice, any producer of the agricultural commodity in the area set forth in the petition who is qualified to vote at the referendum, if he desires to be a candidate for membership on the board, shall file with the board an application to have his name printed on the ballot to be used at the election. The application must be signed by the candidate and by at least 10 producers of the commodity in that area who are qualified to vote at the election, and must be filed at least 30 days prior to the date of the election. If a geographical representation plan is in effect, this subsection applies only to candidacy for at-large positions and only if the board has one or more at-large positions.

"(e) All producers of the commodity within the area set forth in the petition, including owners of farms on which the commodity is produced, and their tenants and sharecroppers, are eligible to vote in the election.

"(f) The conduct of the election in the area set forth in the petition shall be as prescribed by Section 9 of this Act and by rules promulgated under that section. In addition to the referendum proposition of whether or not the proposed area shall be added to the jurisdiction of the board, the voters qualified to vote in the election are entitled to vote for candidates for membership on the board, but only candidates for at-large positions if a geographical representation plan is in effect, and on any other proposition printed on the ballot for the regular biennial election of the board. The ballots cast in the area set forth in the petition shall be canvassed and the returns reported separately. As to these returns, the board shall perform the functions described by Sections 10 and 11 of this Act with respect to the original election, which govern to the extent applicable, except that the board shall certify whether the referendum proposition was carried or defeated in the area set forth in the petition.

"(g) If the referendum proposition was defeated, then the ballots cast in the area set forth in the petition shall not be counted for any other purpose. If the proposition was carried, the returns shall be included in determining the election of directors and any other proposition included on the ballot; and the area set forth in the petition becomes subject to the jurisdiction of the board on the day following the date the result is certified."

Sec. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect with-

out the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 10. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Delwin Jones offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 525 by striking quoted Subsections (a), (b), and (e) of quoted Section 17B in Section 8 of the amendment and substituting the following:

“(a) Producers of an agricultural commodity in an area not within the jurisdiction of a commodity producers board for that commodity may petition for the conduct of a referendum within the area specified in the petition on the issue of whether or not the area shall be included within the jurisdiction of the board. The petition must be submitted to the commissioner at least 105 days before the date of the biennial election of members of the board.

“(b) If the commissioner determines that in the area described in the petition there exists among the producers of the commodity an interest in becoming subject to the jurisdiction of the board that is substantial enough to justify a referendum, he may transmit the petition to the board with an order authorizing the board in its discretion to conduct the referendum at its own expense. The petition and order must be transmitted at least 75 days before the date of the biennial election of members of the board.

“(e) A person is qualified to vote in the referendum if he is, or for at least one production period during the three years preceding the referendum has been, a producer of the particular agricultural commodity within the area described in the petition, the owner of a farm on which the commodity is produced, or his tenant or sharecropper.”

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

(Speaker in the Chair)

Mr. Finnell offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 525 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act amending Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), relating to assessments on agricultural commodities, as follows: amending Section 1, relating to the statement of policy; amend-

ing Section 2, relating to definition of terms; amending Section 3(a), relating to authorized programs; amending Section 12, relating to the status of a commodity producers board; amending Section 14, relating to the powers and duties of a board; adding a Section 15C, relating to geographic representation on a board; adding a Section 17A, relating to remedies for violations and adding a Section 17B, relating to adding new territory to the jurisdiction of a board; providing for severability; and declaring an emergency.

The committee amendment was adopted without objection.

HB 525, as amended, was passed to engrossment.

Mr. Delwin Jones moved to reconsider the vote by which HB 525 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 333 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 333, A bill to be entitled An Act providing for the licensing and regulation of private vocational schools and certain solicitors for them; providing penalties; declaring the Act to be severable; and declaring an emergency.

The bill was read second time.

Mr. Hale offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 333 by striking all below the enacting clause and substituting in lieu thereof the following:

Be it Enacted by the Legislature of the State of Texas:

Section 1. Title 2, Texas Education Code, is amended by adding Chapter 32 to read as follows:

Chapter 32. Texas Proprietary School Act Subchapter A. Title and Purpose

Sec. 32.01. Short Title. This chapter shall be known and may be cited as the Texas Proprietary School Act. Its purpose is to provide the necessary legal basis for implementation of sound, ethical standards of operation to assure the continued growth of these schools' contribution to the needs of the citizens and the economic development of the State of Texas.

Sec. 32.02. Purpose and Objectives. The aim in adopting this chapter is to establish in a unified and organized form regulatory laws relating to non-tax-supported educational institutions and to simplify, clarify, and harmonize existing legal relationships relating to these institutions and utilization and coordination of such schools as an integral part of the total educational resource program for occupational training offered by the state to youth and adults.

Sec. 32.03. Applicability. This chapter applies to all educational institutions not supported by state tax funds unless specifically excluded.

Subchapter B. General Provisions

Sec. 32.11. Definitions. In this chapter, unless the context clearly requires a different meaning:

(1) "Proprietary school," referred to as "school," means any business enterprise operated for a profit, or on a nonprofit basis, which maintains a place of business within the State of Texas, or solicits business within the State of Texas, and which is not specifically exempted by the provisions of this chapter—

(A) which offers or maintains a course or courses of instruction or study; or

(B) at which place of business such a course or courses of instruction or study is available through classroom instruction or by correspondence; or both—to a person or persons for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, or industrial occupation, or for avocational or personal improvement, except as herein-after excluded.

(2) "Owner" of a school means:

(A) in the case of a school owned by an individual, that individual;

(B) in the case of a school owned by a partnership, all full, silent, and limited partners;

(C) in the case of a school owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least 10 percent of the total of the issued and outstanding shares.

(3) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from the school for services rendered.

(4) "Representative" means a person employed by the school as defined herein, whether the school is located within or without the State of Texas, to act as an agent, solicitor, broker, or independent contractor to directly procure students or enrollees for the school by solicitation within or without this state at any place other than the office or place of business of the school.

(5) "Administrator" means the state commissioner of education, or a person or persons designated by him to administer the provisions of this chapter.

(6) "Notice to the school" means written correspondence sent to the address of record for legal service contained in the application for a certificate of approval. "Date of notice" means the date the notice is mailed by the administrator.

(7) "Support" or "supported" means the primary source and means by which a school derives revenue to perpetuate its operation.

(8) "Person" means any individual, firm, partnership, association, corporation, or other private entity.

Sec. 32.12. Exemptions. (a) The following schools or educational institutions are specifically exempt from the provisions of this chapter and are not within the definition of "proprietary school":

(1) a school or educational institution supported by taxation from either a local or state source;

(2) nonprofit schools owned, controlled, operated, and conducted by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this state, but such schools may choose to apply for a certificate of approval hereunder, and upon approval and issuance shall be subject to the provisions of this chapter as determined by the administrator;

(3) a school or training program which offers instruction of purely avocational or recreational subjects as determined by the administrator;

(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

(6) private colleges and universities which award a baccalaureate, or higher degree, and which maintain and operate educational programs for which credits are given. A majority of said credits must be transferable to a college, junior college, or university accredited by a national recognized accrediting agency listed by the U.S. Office of Education under the provisions of Chapter 33, Title 38, U.S. Code and subsequent legislation accepted and approved by the State Board of Education;

(7) a school which is otherwise regulated and approved under and pursuant to any other law of this state;

(8) a course or courses of special study or instruction financed and/or subsidized by the local or state government, private industry, or any person, firm, association, or agency, other than the student involved, on a contract basis and having a closed enrollment; provided, however, that a school financed and/or subsidized by federal or special funds may apply to the administrator for exemption from the provisions of this chapter and may be declared exempt by the administrator where he finds the operation of such school to be outside the purview of this chapter.

Subchapter C. General Powers and Duties

Sec. 32.21. Central Education Agency. The Central Education Agency shall exercise jurisdiction and control of the system of schools, and it shall be the duty of the commissioner of education to carry out supervision of

the provisions of this chapter, and to enforce minimum standards for approval of schools under the operating regulations and policies hereinafter set forth and as may from time to time be adopted pursuant to the provisions of this chapter.

Sec. 32.22. Proprietary School Commission. (a) The Proprietary School Commission is created. The commission is composed of nine members appointed by the State Board of Education for staggered terms of six years expiring on January 31 of each odd-numbered year. In making the initial appointments, the board shall designate three members for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977. If one of the commission members resigns, or is otherwise unable to serve, a new member shall be appointed by the State Board of Education to fill the unexpired term. Members of the commission shall be "owners" or shall be "employees" employed in a managerial or executive capacity by the schools as defined in Section 32.11 of this code, and shall have been recommended by the administrator or other sources.

(b) The commission shall elect one member as chairman of the commission. A majority of the appointed members, at the call of the chair, shall organize and elect the other officers that the commission deems necessary.

(c) The commission shall meet regularly in Austin at 10 a.m. on the second Tuesday of January, May, and September, and shall conduct special meetings at the call of the chair, the administrator, or upon the written petition of at least four members of the commission.

(d) A member of the commission serves without compensation, but on presentation of a voucher signed by the chairman of the commission and approved by the administrator, is entitled to receive reimbursement for actual expenses incurred while traveling on official commission business in accordance with the policy and regulations of the State of Texas.

(e) A majority of the commission is a quorum for the conduct of business; provided, however, that no less than four voting members must concur in any matter before the commission.

(f) The State Board of Education has full authority to establish, circulate, and enforce policies, regulations, and rules under the provisions of this chapter with the advice of the commission before it. The commission shall recommend policies, regulations, minimum standards, and general rules necessary for carrying out the provisions of this chapter. It shall act with the advice and assistance of the administrator and may hold hearings upon substantive changes in rules, regulations, and minimum standards. The recommendations of the commission with respect to the policies, regulations, minimum standards and rules for carrying out the provisions of this chapter shall be forwarded by the administrator to the State Board of Education for acceptance, approval, and adoption or for return by the administrator or by the State Board of Education with comments and suggestions for further consideration and, in any event, must be acted upon and either accepted or rejected.

Sec. 32.23. Duties of Administrator. (a) The administrator shall carry out the policies of this chapter and enforce the rules and regulations adopted by the State Board of Education. He shall also certify the names of those schools meeting the requirements for a certificate of approval.

Subchapter D. Authorized Operation of Schools

Sec. 32.31. Certificate of Approval. (a) By complying with the provisions of the appropriate following sections of this subchapter, a school may obtain a certificate of approval from the administrator which will permit the school to operate within the State of Texas.

(b) Schools domiciled, or having their principal place of business, outside of the State of Texas, that canvass, solicit or contract with any person within the State of Texas shall be required to obtain a certificate of approval from the administrator.

(c) Any contract entered into with any person for a course or courses of instruction after the effective date of this chapter by or on behalf of any owner, school employee or representative of a school subject to the provisions of this chapter to which a certificate of approval has not been issued shall be unenforceable in any action brought thereon.

Sec. 32.32. Application for Certificate of Approval. (a) A school shall make written application to the administrator for a Certificate of Approval.

(b) Application for Certificate of Approval shall be made on forms furnished by the administrator and shall require such information and accompanying data as provided by rules and regulations adopted pursuant to Section 32.22(f) of this code.

(c) The administrator may issue a Certificate of Approval upon determination that an applicant school meets the requirements of Section 32.33 of this chapter.

Sec. 32.33. Criteria. (a) The administrator shall not issue a certificate of approval to a school until and unless he is satisfied that the school meets minimum standards adopted pursuant to Section 32.22(f) of this code.

(b) Minimum standards may be adopted to insure that:

(1) the courses, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the courses, curriculum or instruction are offered;

(2) the school has adequate space, equipment, instructional material, and personnel to provide training of good quality;

(3) educational and experience qualifications of directors, administrators, and instructors are such as may reasonably insure that the students will receive training consistent with the objectives of their program of study;

(4) the school maintains a written record of the previous education and training of the applicant student and training, with the new training period shortened where warranted through use of appropriate skills or achievement tests;

(5) a copy of the course outline, schedule of tuition, fees, and other charges, settlement policy, regulations pertaining to absence, grading policy, and rules of operation and conduct are furnished the student upon entry into class;

(6) upon completion of training, the student is given a certificate or diploma by the school indicating satisfactory completion of training in the approved course;

(7) adequate records are kept to show attendance, progress or grades, and satisfactory standards are enforced relating to attendance, progress, and conduct;

(8) the school complies with all local, city, county, municipal, state and federal regulations, such as fire codes, building and sanitation codes, according to any proof the administrator may require;

(9) the school is financially stable and capable of fulfilling its commitments for training;

(10) the school does not utilize erroneous or misleading advertising, either by actual statement, omission, or intimation, and is not in violation of the following minimum standards of advertising:

(A) every classified newspaper advertisement seeking prospective students must appear under "instruction", "education", "training", or similarly titled classification and shall not be published under any "help wanted" classification;

(B) every display type newspaper advertisement, or other advertisement, through direct mail, radio, television, or directories, seeking prospective students must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought;

(C) all advertisements seeking prospective students must include and clearly indicate the full and correct name of the school and the city where the school is located;

(D) no advertisements of any type shall use the words "wanted", "help wanted", or the word "trainee" either in the headline or the body of the advertisement;

(E) no statement or representation shall be made that students will be guaranteed employment while enrolled in the school or that employment will be guaranteed for students after graduation;

(F) no statement or representation shall be made that the school has and maintains an employment placement service unless the competency of the employment placement service can be substantiated by the administrator upon inspection of placement records;

(G) no dollar amount or amounts shall be quoted in any advertisement as representative or indicative of the earning potential of graduates;

(H) no statement shall be made that the school or its courses of instruction have been "accredited" unless the accreditation is that of the appropriate nationally recognized accrediting agency listed by the U. S. Office of Education under the provisions of Chapter 33, Title 38, U.S. Code, and subsequent legislation;

(I) no statement shall be made that the school or its courses of in-

struction have been "approved" unless the approval can be substantiated by an appropriate certificate of approval issued by the approving agency of the state or federal government; and

(J) no advertisement shall specify the number of students being sought to be enrolled;

(11) the school's administrators, directors, owners, and instructors are of good reputation and character;

(12) the school has and maintains a reasonable and proper policy for the refund of the unused portion of tuition, fees, and other charges in the event a student enrolled by the school fails to begin a course or withdraws or is discontinued therefrom at any time prior to completion, which policy shall take into account those costs of the school that are not diminished by the failure of the student to enter or complete the course of instruction; and

(13) the school has and maintains reasonable and proper reporting procedures relating to enrollments, graduates and employment placements.

(c) In lieu of the criteria set forth in this section, or in addition thereto, the State Board of Education, for good cause shown, may amend, modify, substitute, and/or alter the terms of such criteria where amendment, modification, substitution, and/or alteration has been recommended by the commission as necessary and advisable due to the specialized nature and objective of the subject school's operation.

Sec. 32.34. Issuance of Certificate of Approval: Renewal. (a) The administrator, upon review of an application for a certificate of approval duly submitted in accordance with the provisions of Section 32.32 and meeting the requirements of Section 32.33 of this chapter, shall issue a certificate of approval to the applicant school. The certificate of approval shall be in a form recommended by the commission and approved by the State Board of Education and shall state in a clear and conspicuous manner at least the following information:

(1) date of issuance, effective date, and term of approval;

(2) correct name and address of the school;

(3) authority for approval and conditions of approval, if any, referring specifically to the approved catalog or bulletin published by the school;

(4) signature of the administrator or such person as may have been designated by him to administer the provisions of this chapter; and

(5) any other fair and reasonable representations that are consistent with this chapter and deemed necessary by the administrator.

(b) The term for which a certificate of approval shall be issued shall not exceed one year.

(c) The certificate of approval shall be issued to the owner of the applicant school and shall be nontransferable. In the event of a change in ownership of the school, a new owner must, within 60 days prior to the change in ownership, apply for a new certificate of approval.

(d) At least 30 days prior to expiration of a certificate of approval the administrator shall forward to the school a renewal application form which shall set forth any requirement by the administrator for revised or additional information as may be necessary to enable the administrator to renew the certificate of approval.

(e) A school not yet in operation when its application for certificate of approval is filed may not begin operations until receipt of certificate of approval.

Sec. 32.35. Denial of Certificate of Approval. (a) If the administrator, upon review and consideration of an application for certificate of approval, shall determine the applicant to be unacceptable, the administrator shall set forth the reasons for denial in writing to the applicant; provided, however, that the statement of reasons for denial shall not be binding upon the administrator in any subsequent proceeding.

(b) A school which is in operation when the application for certificate of approval is filed must suspend operations upon receipt of denial of certificate of approval, except for any periods in which an appeal from the determination of the administrator is pending as provided in Subchapter E of this chapter.

Sec. 32.36. Revocation of Certificate of Approval. (a) The administrator may revoke an issued certificate of approval or place reasonable conditions upon the continued approval represented by the certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the administrator shall notify the holder of the certificate in writing of the impending action setting forth the grounds for the action contemplated to be taken and affording a day and date at least 30 days hence on which the holder of the certificate may be heard in response to the allegation of noncompliance with the provisions of this chapter.

(b) A certificate of approval may be revoked or made conditional if the administrator has reasonable cause to believe that the school is guilty of a violation of this chapter or of any rules and regulations promulgated hereunder.

(c) The administrator shall render a determination in writing to the school regarding the denial or imposition of conditions of a certificate of approval within 30 days from date of appearance and response by the holder of the certificate as provided in this section.

Sec. 32.37. Registration of Representatives. (a) All representatives employed by a school shall register with the administrator. Application for registration may be made at any time and shall be based on information submitted in accordance with the provisions of Section 32.32 of this chapter.

(b) Registration of a representative shall be effective upon receipt of notice from the administrator and shall remain in effect for a period not in excess of twelve calendar months. Renewal of representative registration shall be in accordance with the renewal application form forwarded to the school by the administrator.

(c) Denial or revocation of registration of a representative by the administrator shall be in accordance with the provisions of this chapter applicable to denial or revocation of a certificate of approval; provided, however,

the administrator may deny, suspend or revoke the registration of a representative who has been convicted of a felony, whether within or without the State of Texas.

(d) Schools domiciled, or having their principal place of business, outside of the State of Texas that engage representatives to canvass, solicit or contract with any person within the State of Texas shall be subject to the requirements for registration of representatives.

Sec. 32.38. Bond Requirements. (a) Before a certificate of approval is issued under this chapter a blanket bond in the penal sum of \$25,000.00 shall be provided by the school for the period during which the certificate of approval is issued, and the obligation of the bond shall be that neither a provision of this chapter nor any rule or regulation adopted pursuant thereto shall be violated by the school or any of its officers, agents, or employees. The bond shall be a corporate surety bond issued by a company authorized to do business in the state conditioned that the parties thereto shall pay all damages or expenses which the state, or any governmental subdivision thereof, or any person may sustain resulting from a violation. The bond shall be to the state for the use and benefit of any person or governmental subdivision of the state which may suffer expense or damage by breach thereof. The bond shall be filed with the administrator.

(b) Before a representative may be registered under this chapter, a blanket bond in the penal sum of \$1,000 shall be provided by or for each representative for a period running concurrently with that of the school's certificate of approval and the obligation of the bond shall be that neither a provision of this chapter nor any rule or regulation adopted pursuant thereto shall be violated, nor shall fraud or misrepresentation in securing the enrollment of a student be committed by the representative. The bond shall be a surety bond issued by a company authorized to do business in the state conditioned that the parties thereto shall pay all damages or expenses which the state, any governmental subdivision thereof, or any person may sustain resulting from a violation. The bond shall be to the state for the use and benefit of any person or governmental subdivision of the state which may suffer expense or damage by breach thereof. The bond shall be filed with the administrator.

(c) In lieu of the corporate surety bond required in Subsections (a) and (b) of this section, the school may, in the alternative, provide any other similar certificate or evidence of indebtedness as may be acceptable to the administrator, provided that the certificate or evidence of indebtedness meets all the requirements applicable to the corporate surety bond.

(d) Schools domiciled, or having their principal place of business, outside of the State of Texas that engage representatives to canvass, solicit, or contract with any person within the State of Texas shall be subject to the bond requirements for both the school and its representatives.

(e) The administrator, for good cause shown, as recommended by the commission and approved by the State Board of Education, may waive and suspend the requirements set forth in Subsections (a), (b), and (c) of this section with respect to schools operating wholly or in part under a federal grant where no tuition fee is charged to the student.

Subchapter E. Appeals

Sec. 32.41. Hearing. (a) If, upon written notification of proposed action by the administrator, the school or representative desires to contest the

action, the party subject to the dispute shall notify the administrator in writing within 15 days after the date of receipt of the official notice of the administrator of the desire to be heard, and the school or representative shall be given a hearing before the administrator.

(b) Within 21 days after request for hearing made by the school or representative, the administrator shall fix a time and place of hearing which shall be held before the proposed action becomes effective.

(c) At the hearing, the school or representative may employ counsel, if desired, and shall have the right to hear the evidence upon which the charges are made, to cross-examine all adverse witnesses, and to present evidence in opposition thereto, or in extenuation.

(d) If a school or representative, upon notification of the proposed action, fails to request a hearing within 15 days thereafter or after a hearing as hereinabove provided, the administrator's determination shall be entered as an order and shall stand as final and definitive.

Sec. 32.42. Appeals. (a) If the administrator revokes a certificate of approval, denies a certificate of approval, imposes conditions under which a certificate of approval may be issued, refuses the registration of a representative, or revokes the registration of a representative, the school or representative, as applicable, shall have the right to appeal the action to the State Board of Education according to the procedures prescribed by the State Board of Education. The decision of the State Board of Education shall be final on questions of fact, but shall be subject to appeal to a district court of Travis County if the decision of the board:

- (1) is not supported in the record by substantial evidence;
- (2) is arbitrary or capricious; or
- (3) is in error in the application of existing law to the facts of the case.

(b) Trial procedure in the district court shall be the same as accorded other civil cases on the docket of the court, with the decision of the trial court to be subject to the same rights of appeal under the Texas Rules of Civil Procedure as is accorded other civil cases so tried.

Subchapter F. Prohibited Acts

Sec. 32.51. Prohibitions. (a) No person shall:

- (1) operate a school without a certificate of approval issued by the administrator;
- (2) solicit prospective students without being bonded as required in Section 32.38 of this chapter;
- (3) accept contracts or enrollment applications from a representative who is not bonded as required in Section 32.38 of this chapter;
- (4) use fraud or misrepresentation in procuring a student's enrollment.

(b) A person who violates a provision of Subsection (a) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine not

to exceed \$500, and a separate offense is committed each day a prohibited act continues.

Sec. 32.52. Injunction. If the administrator has reason to believe that a person is violating or threatening to violate a provision of Section 32.51 of this code, he may bring suit to enjoin and restrain the violation.

Subchapter G. Fees

Sec. 32.61. Certificate and Registration Fees. Certificate and registration fees shall be collected by the administrator and deposited with the state treasurer in accordance with the following schedule:

- (1) the initial fee for a school is \$50;
- (2) the annual renewal fee for a school is \$25;
- (3) the initial registration fee for a representative is \$10; and
- (4) the annual renewal registration fee for a representative is \$10.

Subchapter H. Funding

Sec. 32.71. Funding. (a) The cost of administration of this chapter shall be included in the state budget allowance for the State Board of Education.

(b) Fees collected by the administrator and deposited with the state treasurer in accordance with the provisions of Section 32.61 of this chapter shall be used to help defray the cost and expense of administering the provisions of this chapter.

Sec. 2. Chapter 250, Acts of the 41st Legislature, Regular Session, 1929 (Article 1415a, Vernon's Texas Civil Statutes, and Article 301a, Vernon's Texas Penal Code), is repealed.

Sec. 3. This Act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun, before its effective date. It is further intended that this Act shall not repeal or affect any tax or authority or power heretofore granted by the Legislature under which any tax has heretofore been authorized, or attempted to be authorized, by an election held under any Act or Acts of the Legislature heretofore enacted, whether general or special.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. This Act takes effect January 1, 1972.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Signed: Hale, McAlister, and Salem.

The committee amendment was adopted.

Mr. Hale offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 333 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act relating to the regulation of proprietary business, technical, vocational, and home study schools; prohibiting certain acts and providing penalties; amending Title 2, Texas Education Code, by adding Chapter 32; repealing Chapter 250, Acts of the 41st Legislature, Regular Session, 1929 (Article 1415a, Vernon's Texas Civil Statutes, and Article 301a, Vernon's Texas Penal Code); providing for severability; and declaring an emergency.

Signed: Hale, Salem, and McAlister

The committee amendment was adopted without objection.

HB 333, as amended, was passed to engrossment.

Mr. Hale moved to reconsider the vote by which HB 333 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HB 333 ON THIRD READING

Mr. Hale moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 333 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—96

Allen, Joe	Cole	Hale	Lemmon
Allred	Craddick	Harding	Lewis
Angly	Cruz	Harris	Lombardino
Atwell	Daniel	Hawkins	Longoria
Baker	Davis, H.	Hawn	Lovell
Bigham	Denton	Haynes	McAlister
Blanton	Doyle	Heatly	McKissack
Braecklein	Dramberger	Hendricks	Moncrief
Braun	Earthman	Hilliard	Moore, A.
Burgess	Farenthold	Holmes, T.	Moore, G.
Bynum	Finnell	Howard	Moore, T.
Caldwell	Finney	Hubenak	Nelms
Calhoun	Foreman	Hull	Neugent, D.
Cates	Gammage	Ingram	Nichols
Cavness	Garcia	Jungmichel	Niland
Clark	Golman	Kubiak	Ogg
Cobb	Grant	Lee	Orr

Parker, W.	Santiesteban	Spurlock	Von Dohlen
Patterson	Schulle	Stewart	Ward
Presnal	Shannon	Stroud	Wayne
Price	Sherman	Swanson	Wieting
Salem	Slack	Tarbox	Williams
Salter	Smith	Truan	Williamson
Sanchez	Solomon	Uher	Wyatt

Nays—40

Adams	Coats	Jones, G.	Reed
Agnich	Doran	Kaster	Rosson
Allen, John	Finck	Kilpatrick	Short
Atwood	Floyd	Kost	Silber
Bass, T.	Graves	Mengden	Simmons
Beckham	Hanna, Joe	Nabers	Slider
Blythe	Head	Newton	Traeger
Bowers	Holmes, Z.	Nugent, J.	Tupper
Christian	Jones, D.	Pickens	Vale
Clayton	Jones, E.	Poff	Wolff

Absent

Boyle	Johnson	Ligarde	Murray
Carrillo			

Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

SB 111 ON SECOND READING
(Mr. Cavness—House Sponsor)

The Speaker laid before the House, in lieu of HB 208, on its second reading and passage to third reading,

SB 111, A bill to be entitled An Act amending the Penal Code of Texas, 1925, making it unlawful to trespass upon land belonging to another; providing for punishment; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Coats offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 111 by adding a new Sec. 2 to read as follows and renumbering the remaining sections.

"Sec. 2. It is the specific intent of the Legislature that all existing laws pertaining to hunting, fishing, and camping rights be in no way changed or altered, and such hunting, fishing, and camping laws are to remain in force and effect to the same extent as they now exist."

The committee amendment was adopted without objection.

SB 111, as amended, was passed to third reading.

Mr. Cavness moved to reconsider the vote by which SB 111 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

HB 208—LAID ON THE TABLE SUBJECT TO CALL

Mr. Cavness moved that HB 208 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 303 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 303, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to accept junior and senior level students at The University of Texas at Dallas beginning in the fall term of 1973, and to establish a four-year undergraduate program beginning in the fall term of 1975; amending Section 4, Chapter 558, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-3.1, Vernon's Texas Civil Statutes); providing for severability; repealing all laws in conflict; and declaring an emergency.

The bill was read second time.

Mr. Blanton moved that consideration of HB 303 be postponed until 4:45 p.m. this afternoon.

Mr. Allred raised a point of order against further consideration of the bill on the grounds that it violates Rule 19, Section 3 of the House Rules.

The Speaker overruled the point of order.

The motion to postpone HB 303 until 4:45 p.m. today, then prevailed.

(Mr. Shannon in the Chair)

HB 282 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 282, A bill to be entitled An Act relating to the ownership and display of certain artifacts and treasures; and declaring an emergency.

The bill was read second time.

Mr. Williamson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 282 by striking all below the enacting clause and substituting the following:

Section 1. The Antiquities Code of Texas (Article 6145-9, Vernon's Texas Civil Statutes) is amended by adding a Section 4A to read as follows:

Section 4A. In so far as it is consistent with the public policy expressed in this Act, the Antiquities Committee, upon a majority vote, may arrange or contract with other state agencies or institutions and with qualified private institutions, corporations, or individuals for the public display of artifacts and other items in its custody through permanent exhibits established in the locality or region in which they were discovered or recovered, as the case may be.

The Antiquities Committee upon a majority vote, may arrange or contract with other state agencies or institutions and with qualified private institutions, corporations, or individuals for portable or mobile displays.

In either case, the Antiquities Committee shall be the legal custodian of all items described elsewhere in this Act, and shall make appropriate rules, regulations, terms, and conditions to assure appropriate security, qualification of personnel, insurance, facilities for preservation, restoration, and display of all items loaned under such contracts.

Mr. Salem offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 282, Second Printing by inserting ", with incorporated cities," between "institutions" and "and" on page 2, on line 9 and on line 15.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Williamson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 282 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the display of certain artifacts and other objects; amending the Antiquities Code of Texas (Article 6145-9, Vernon's Texas Civil Statutes); and declaring an emergency.

The committee amendment was adopted without objection.

HB 282, as amended, was passed to engrossment.

Mr. Salem moved to reconsider the vote by which HB 282 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HB 282 ON THIRD READING

Mr. Salem moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 282 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—101

Allen, John	Farenthold	Kubiak	Sanchez
Allred	Finnell	Lee	Santiesteban
Angly	Finney	Lemmon	Schulle
Atwell	Foreman	Lewis	Sherman
Baker	Gammage	Lombardino	Short
Beckham	Garcia	Longoria	Slack
Bigham	Golman	Lovell	Smith
Blanton	Grant	McAlister	Solomon
Boyle	Hale	McKissack	Spurlock
Braecklein	Harding	Moncrief	Stewart
Braun	Harris	Moore, A.	Stroud
Carrillo	Hawkins	Moore, G.	Swanson
Cates	Hawn	Moore, T.	Tarbox
Cavness	Haynes	Murray	Traeger
Christian	Head	Nelms	Truan
Clark	Heatly	Neugent, D.	Tupper
Clayton	Hendricks	Newton	Von Dohlen
Coats	Hilliard	Nichols	Ward
Cobb	Holmes, T.	Niland	Wayne
Cole	Holmes, Z.	Orr	Wieting
Craddick	Howard	Parker, W.	Williams
Cruz	Hubenak	Presnal	Williamson
Daniel	Hull	Price	Wyatt
Davis, H.	Johnson	Rosson	
Denton	Jungmichel	Salem	
Dramberger	Kilpatrick	Salter	

Nays—30

Adams	Doran	Jones, G.	Poff
Agnich	Doyle	Kaster	Silber
Bass, T.	Earthman	Kost	Simmons
Blythe	Finck	Mengden	Slider
Bowers	Floyd	Nabers	Vale
Burgess	Graves	Nugent, J.	Wolff
Bynum	Ingram	Ogg	
Caldwell	Jones, E.	Pickens	

In The Chair

Shannon

Absent

Allen, Joe	Hanna, Joe	Ligarde	Reed
Atwood	Jones, D.	Patterson	Uher
Calhoun			

Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

ADDRESS ORDERED PRINTED

On motion of Mr. Wayne, the remarks of the Right Honorable Harold Wilson, addressed to the Joint Session on today, were ordered printed in the Journal.

(Speaker in the Chair)

HB 303 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as postponed business on its passage to engrossment, HB 303.

The bill was read second time on today and postponed until 4:45 p.m. today.

Mr. Blanton offered the following amendment to the bill:

Amend Section 1 of HB 303 to read as follows:

Section 1. Section 4, Chapter 758, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-3.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Section 4. Notwithstanding the other provisions of this Act, the Board of Regents of The University of Texas System shall not have authority to establish a four-year undergraduate program and to provide for or permit the enrollment of undergraduate students prior to the fall term of 1975. The Board of Regents of The University of Texas System is authorized, however, to provide for the enrollment of graduate students and the awarding of graduate degrees beginning on September 1, 1969.

Mr. Cole offered the following amendment to the Blanton amendment:

Amend Blanton amendment to HB 303 by striking the figure "1975" and substituting the figure "1980".

Mr. Blanton moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—91

Adams	Cavness	Foreman	Hilliard
Agnich	Christian	Gammage	Holmes, T.
Allen, Joe	Clark	Garcia	Holmes, Z.
Allen, John	Coats	Golman	Hubenak
Angly	Cobb	Hale	Hull
Atwell	Cruz	Hanna, Joe	Jones, D.
Blanton	Daniel	Harris	Kilpatrick
Boyle	Davis, H.	Hawkins	Kost
Braecklein	Dramberger	Hawn	Lewis
Braun	Finck	Haynes	Longoria
Bynum	Finney	Heatly	McAlister
Cates	Floyd	Hendricks	McKissack

Moncrief	Orr	Sherman	Tupper
Moore, A.	Pickens	Silber	Uher
Moore, G.	Price	Simmons	Von Dohlen
Nabers	Reed	Slack	Ward
Nelms	Rosson	Smith	Wayne
Neugent, D.	Salem	Spurlock	Wieting
Newton	Salter	Stroud	Williams
Nichols	Sanchez	Swanson	Williamson
Niland	Santiesteban	Tarbox	Wolff
Nugent, J.	Schulle	Traeger	Wyatt
Ogg	Shannon	Truan	

Nays—46

Allred	Craddick	Ingram	Murray
Atwood	Denton	Jones, E.	Parker, W.
Baker	Doran	Jones, G.	Patterson
Bass, T.	Doyle	Jungmichel	Poff
Bigham	Earthman	Kaster	Presnal
Blythe	Farenthold	Kubiak	Short
Bowers	Finnell	Lee	Slider
Burgess	Grant	Lemmon	Solomon
Caldwell	Graves	Lombardino	Stewart
Calhoun	Harding	Lovell	Vale
Clayton	Head	Mengden	
Cole	Howard	Moore, T.	

Absent

Beckham	Carrillo	Johnson	Ligarde
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Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

The Blanton amendment was then adopted.

Mr. Blanton offered the following amendment to the bill:

Amend HB 303 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to establish at The University of Texas at Dallas a four-year undergraduate program and to provide for or permit the enrollment of undergraduate students beginning in the fall term of 1975; amending Section 4, Chapter 758, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-3.1, Vernon's Texas Civil Statutes); providing for severability; repealing all laws in conflict; and declaring an emergency.

The amendment was adopted without objection.

HB 303, as amended, was passed to engrossment by the following vote:

Yeas—78

Adams	Finck	Longoria	Schulle
Agnich	Finney	McAlister	Shannon
Allen, Joe	Floyd	McKissack	Sherman
Angly	Foreman	Moncrief	Silber
Atwell	Gammage	Moore, A.	Slack
Beckham	Garcia	Moore, G.	Smith
Blanton	Golman	Nabers	Spurlock
Boyle	Hale	Nelms	Stroud
Braecklein	Hawn	Neugent, D.	Swanson
Bynum	Haynes	Newton	Tarbox
Carrillo	Heatly	Niland	Tupper
Cavness	Hendricks	Nugent, J.	Von Dohlen
Christian	Hilliard	Ogg	Wayne
Clark	Holmes, Z.	Orr	Wieting
Coats	Hull	Pickens	Williams
Cruz	Jones, D.	Price	Williamson
Daniel	Kilpatrick	Reed	Wolff
Davis, H.	Kost	Salem	Wyatt
Doyle	Lewis	Sanchez	
Dramberger	Lombardino	Santiesteban	

Nays—59

Allen, John	Cole	Hubenak	Poff
Allred	Craddick	Ingram	Presnal
Atwood	Denton	Jones, E.	Rosson
Baker	Doran	Jones, G.	Salter
Bass, T.	Earthman	Jungmichel	Short
Bigham	Farenthold	Kaster	Simmons
Blythe	Finnell	Kubiak	Slider
Bowers	Grant	Lemmon	Solomon
Braun	Graves	Lovell	Stewart
Burgess	Harding	Mengden	Traeger
Caldwell	Harris	Moore, T.	Truan
Calhoun	Hawkins	Murray	Uher
Cates	Head	Nichols	Vale
Clayton	Holmes, T.	Parker, W.	Ward
Cobb	Howard	Patterson	

Absent

Hanna, Joe	Johnson	Lee	Ligarde
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Absent-Excused

Bass, B.	Hannah, John	Parker, C.	Rodriguez
Davis, D.	Moreno	Poerner	Semos

Mr. Blanton moved to reconsider the vote by which HB 303 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 282—CORRECTION AUTHORIZED

Mr. Salem asked unanimous consent that the Engrossing and Enrolling Clerk be permitted to insert an emergency clause and an effective date clause to HB 282 which was inadvertently omitted by the committee substitute.

There was no objection and it was so ordered.

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 5:25 p.m., adjourned until 10:00 a.m. tomorrow.

APPENDIX

BILL TRANSMITTED TO GOVERNOR
UNDER ARTICLE 16, SECTION 59

HB 1774 transmitted by the Chief Clerk to the Governor on May 3, 1971.

RECOMMENDATIONS OF THE TEXAS WATER
COMMISSION FILED WITH SPEAKER

Recommendations of the Texas Water Commission on HB 1339 filed with the Speaker on April 30, 1971.

Recommendations of the Texas Water Commission on HB 1734 filed with the Speaker on April 30, 1971.

Recommendations of the Texas Water Commission on HB 1735 filed with the Speaker on April 30, 1971.

Recommendations of the Texas Water Commission on HB 1736 filed with the Speaker on April 30, 1971.

Recommendations of the Texas Water Commission on HB 1737 filed with the Speaker on April 30, 1971.

Recommendations of the Texas Water Commission on HB 1738 filed with the Speaker on April 30, 1971.

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Agriculture: SB 605.

Appropriations: HB 1042, HB 1684.

Banks and Banking: HB 1409.

Conservation and Reclamation: HB 1046, HB 1412, HB 1630.

Constitutional Amendments: HJR 13, HJR 28, HJR 35, HJR 48, HJR 50, HJR 66, HJR 75, HJR 82, SJR 3.

Counties: HB 197, HB 927, HB 1207, HB 1638, SB 729, SB 807.

Criminal Jurisprudence: HB 267, HB 268, HB 534, HB 774, HB 860, HB 938, HB 1202, SB 111.

Engrossed and Enrolled Bills: Correctly enrolled—HB 590.

Higher Education: HB 520, HB 1351, HB 1456, SB 492, SB 772.

Judiciary: HB 136, HB 271, HB 903, HB 1022, HB 1074, HB 1164, HB 1525, HB 1596, SB 751, SB 870.

Public Health: HB 395, HB 1530.

State Affairs: HB 171, HB 669, HB 862, SB 80, SB 255, SB 730.

Urban Affairs: HB 176, HB 230, HB 579, HB 603, HB 658, HB 1178, HB 1437, HB 1438, HB 1656, SB 541.

SENT TO THE GOVERNOR
April 30, 1971

HB 590

SIXTY-SEVENTH DAY—TUESDAY, MAY 4, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Calhoun	Foreman	Ingram
Adams	Cates	Gammage	Johnson
Agnich	Cavness	Garcia	Jones, D.
Allen, Joe	Christian	Golman	Jones, E.
Allen, John	Coats	Grant	Jones, G.
Angly	Cobb	Hale	Jungmichel
Atwood	Cole	Hannah, John	Kaster
Baker	Cruz	Harding	Kilpatrick
Bass, T.	Daniel	Harris	Kost
Beckham	Davis, D.	Hawkins	Kubiak
Bigham	Davis, H.	Hawn	Lee
Blanton	Denton	Haynes	Lemmon
Blythe	Doyle	Head	Lewis
Bowers	Dramberger	Heatly	Lombardino
Boyle	Earthman	Hendricks	Longoria
Braecklein	Farenthold	Hilliard	Lovell
Braun	Finck	Holmes, Z.	McAlister
Burgess	Finnell	Howard	McKissack
Bynum	Finney	Hubenak	Mengden
Caldwell	Floyd	Hull	Moncrief